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## The long-term impact of short periods of imprisonment on mothers

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**The Long-Term Impact of Short Periods  
of Imprisonment on Mothers**

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**Submitted for the degree of Doctor of Philosophy**

## **Abstract**

This research examines how even an initial short period in prison negatively impacts mothers and their children. It involves a series of semi-structured interviews with 16 mothers during and post-custody; looking at the different ways in which multiple aspects of their lives are negatively affected for longer periods than their incarceration. It is argued that prison often increases the social disadvantages that many of the women encounter on a day-to-day basis. Based on this research it is suggested that the morally significant harms of prison need to be considered at the time of sentencing. Incarceration is not just about a temporary loss of liberty, even short terms in prison have longer multi-dimensional consequences.

The thesis will begin by looking at the use of remand for women as well as examining the sentencing rationales for the use of short sentences. It will explore the problems with these forms of punishment, particularly for non-violent, and often vulnerable, women. It will be argued that these women experience multiple pains of incarceration, often compounded by the short period in which they are imprisoned. It will be suggested that their feelings of injustice may affect whether they are able to embrace any opportunities in prison and address feelings of guilt. The thesis will also examine these mothers' experiences post-custody, describing which problems are on-going, which are resolved and what new unexpected problems arise. Given that they are mothers, their understanding of the harm of the separation to their children will also be explored. It will be concluded that the punishment should be balanced against the rights of mothers and their children. As such the use of short sentences for women should be significantly reduced, however if they continue to be used there need to be a series of changes to minimise the harms caused to this group.

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## Chapter One: Introduction

“It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones” (Mandela, 1994: 187).

In England and Wales the use and purpose of the prison has changed throughout history, and is now deemed to be our most severe punishment. However, prisons are seen as being in a permanent state of crisis, with concerns expressed about overcrowding, poor conditions, disorder and riots (Ministry of Justice, 2013e; Perry, 2014). In *Culture of Control* David Garland (2010) argues that in the past few centuries there has been a reinvention of the prison, we have witnessed changing penal fashions with various Governments from ‘prison is an expensive way of making bad people work’ to ‘prison works’ (Baker, 1996: 639). There has been a shift from using prisons to reform offenders, to protecting the public by managing the risk prisoners pose (Garland, 2010). According to the Ministry of Justice (2013j: 2) as a result of ‘tougher sentencing and enforcement outcomes’ more people are being incarcerated in England and Wales than ever before. For example, the prison population doubled in size between 1993 and 2012<sup>1</sup>.

The outcome of this expansion is high reconviction rates and high expenditure. The one year proven re-offending data for all adult offenders released from custody in 2010 in England and Wales was 47.5%, with an average of 4.16 re-offences per re-offender (Ministry of Justice, 2013b). According to the Prison Reform Trust (2010c) each new prison place costs £170,000 over the life of the accommodation. Similarly, each place in a local female prison costs £45,514<sup>2</sup> for one year (Ministry of Justice, 2012b), compared to £1,360 per annum for a woman to engage with a Woman’s Community service and £2,800 for a woman to complete a community order (NOMS Women and Equalities Group, 2012). With the considerable cost of prisons, many feel the ‘expenditure on prisons is drawing resources from other parts of the criminal justice system, and creating strain throughout the system’ (Hough et al., 2003: 3). This is especially the case as many spending cuts are being made throughout the criminal justice system, particularly in policing and probation staffing and legal aid (Bowcott, 2014; Travis, 2010).

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<sup>1</sup> In June 1993 there were 41,800 prisoners and in June 2012 there were over 86,000 prisoners.

<sup>2</sup> In comparison a place in a local male prison costs £41,732.

Although there has been increasing research on prisons (Bennett et al., 2007; Crewe, 2009; James, 2003; Liebling and Arnold, 2005), this remains disproportionately on men's experiences as they make up the vast majority of the prison population (Ministry of Justice, 2014j). Their minority status does not mean that the experiences of women in custody are necessarily incorporated within this perspective. The literature suggests that men and women enter prison with very different life experiences (in terms of offending history and vulnerabilities), commit different offences which attract different sentence lengths and experience prison very differently (Corston, 2007). Another important distinction is found in the women's role as caregivers, many of whom are mothers and often the sole carers of dependent children (The Howard League for Penal Reform, 2011).

Through interviews with 16 women this thesis explores the unintended and potentially disproportionate long-term consequences of exposing mothers to prison for the first time. The use of remand and prison sentences of less than 12 months for women has been highly criticised in the existing literature for a variety of reasons, nonetheless, they continue to be used in England and Wales for those who do not pose a threat to the public.

Removing a person's liberty, even for a short time, has the potential to have a significant impact on their life, which may actually be worse when they are released. The literature suggests that the prison authorities struggle to make positive changes in short spaces of time, as such those who are remanded and serving sentences of less than 12 months often cannot better themselves. Likewise, due to their existing levels of social exclusion, and their role as a primary caregiver, women experience prison differently from their male counterparts. It has been argued that 'a sentencing system set up primarily to process male offenders may lack sufficient sensitivity to the vulnerabilities and needs of many women offenders and result in unfair treatment and outcomes' (Player, 2012: 254).

It is known from the existing literature that prison often causes a high level of disruption to women's lives. However, what remains unknown is the longevity of the harm caused by a first time in prison, especially when the time spent is minimal, and when that person has dependent children. To what extent do they become institutionalised (Goffman, 1961) and lose their sense of identity in a short space of time, and how do they adapt to their return

to civil society. Through interviews with mothers exposed to short terms of imprisonment for the first time, this research will explore what impact their detention has on different aspects of their lives and their identity, whether this continues to affect them post-custody and what level of support they are provided both whilst in prison and after they are released. The research will also explore what bearing the initial separation and the care provided in the mother's absence will have on their children's lives, as well as whether the affect that prison has on the mother increases the vulnerability of her children. The critical question is whether short terms of imprisonment are an appropriate response given the potential collateral consequences to both mother and child.

The next chapter will discuss the existing literature. It begins by exploring the legislation governing both custodial remands and short prison sentences. The following section describes the ways in which short periods of incarceration are problematic, due to being used for those who do not pose a risk to the public; their failure to address the high level of vulnerabilities amongst their population; and their propensity to add arbitrarily to the punishment being imposed. It will be argued in this research that there is currently a limited understanding about the longevity of harms inflicted by short periods of imprisonment on mothers. It will be suggested that the state should take some responsibility for these supposedly unintended harms.

The following chapter describes the methodology used in this research, beginning with the original research proposal and explaining the changes that occurred as a result of problems with access. It then explores both the advantages and disadvantages of using semi-structured interviews before examining the use of interviewing with grounded theory. A discussion of the ethical considerations as well as the validity of the research will also be provided. Finally the way in which the data was analysed and how this influenced the subsequent interviews will be discussed.

Chapters four and five provide an exploration of the harms inflicted by incarceration. The third chapter addresses the mother's experiences whilst they are in prison. Initially looking at the pains of incarceration as laid out by Sykes before moving on to look at harms specifically attached to their short time in prison. It will be argued that there are real

tangible consequences as a result of their detention that should be considered by the courts. The fifth chapter will examine how the harms experienced in custody continue to affect the women after their release, and what level of support they receive in the community. Arguably, the longevity of the harms supports the argument that the punishment is disproportionate and, for this reason, should be considered by the courts.

The penultimate chapter examines how the maternal incarceration affects the children left behind by the women interviewed. It will first explore the level of disruption on a practical level, before beginning to address the ways in which the children negatively reacted to the separation. Whilst the pre-existing disadvantages in the children's lives will be examined, it will be argued that there are a number of ways in which the harm inflicted upon them can be minimised or intensified.

The concluding chapter will consider the way in which this thesis has contributed to our existing understanding of imprisonment and how it affects motherhood. Previous studies have catalogued the ways in which the female prison population should and could be reduced, however it will be argued that these have tended to neglect the role that Restorative Justice could play in diverting these women from custody as well as getting them to acknowledge their responsibility for their actions and the harm these actions may have on their children. Although the thesis strongly supports policies of diversion it also argues pragmatically for strategies of harm reduction where such sentences continue to be used.

## **Chapter Two: Literature Review**

### **2.1 Introduction**

This chapter will begin by exploring the change in legislation for remanding a defendant into custody, before examining the sentencing rationales laid out in the 2003 Criminal Justice Act (CJA). It will then discuss some of the key concerns with the use of short sentences for women. It will be argued that many female prisoners do not warrant such a severe punishment as under the terms of the 2003 legislation they do not cross the custody threshold based on the severity of their offence or their criminal histories. A large proportion of women in prison are mothers and their role as primary caregivers should also give rise for concern, as a period of incarceration will affect more than just the offenders themselves. It is suggested that ‘maintaining presence and "force"’ whilst incarcerated is particularly problematic ‘when the mother has few resources to effect control of the other caretaker’ (Enos, 1998: 66). However there has been very little research on mothers in English and Welsh prisons since the work by Caddle and Crisp (1997) nearly two decades ago. Most has been conducted in the United States. Therefore there is a pressing need in this country

to reexamine and un-pack what we mean by mothering and motherhood in circumstances and situations that are stressful. Examination of mothers in these situations can reveal important dynamics of family responses that would not obtain in more routine interactions (Enos, 1998: 70).

It will be shown that women serving short sentences typically constitute a vulnerable population for whom custody imposes a disproportionate punishment and offers little public protection. It is argued by some that you cannot offer rehabilitation in prison as they are harmful institutions (Carlen and Tombs, 2006). Likewise, despite the implementation of ‘gender-specific standards for women’s prisons to ensure that prisons provide regimes, programmes and support that are sensitive and appropriate for women’ (Corston, 2011: 4), a short sentence can result in serious collateral damage. This is because those working in prison are often unable to address offending behaviour in a short space of time, and those serving short sentences are unsupported on release. These issues may have long-term consequences for the women. Many of the difficulties that arise with

female short-term prisoners also affect women on remand, however remand prisoners also have their own unique problems, which will be explored later in this chapter.

## **2.2 Legislation on Short Periods of Incarceration**

### *2.2.1 Remand*

Between 1992 and 2002 the female remand population increased at a much greater rate than the male population, 196% compared to 52% (Edgar, 2004). Although there has been a reduction in the number of women being remanded since 2003, the number remains high, for example, in 2013 46%<sup>3</sup> of all receptions into female prison establishments were remand prisoners (Ministry of Justice, 2014a). Being remanded in custody is inevitably a punitive experience in ways which, according to the Prison Reform Trust (2011: 2), ‘go beyond the loss of liberty’ yet it remains a neglected area of study. However there has been recent legislative change that should reduce the likelihood of a woman being refused bail. In this country there is a presumption of bail unless a serious offence<sup>4</sup> is said to have been committed. Under the Legal Aid, Sentencing and Punishment of Offenders Act (2012: Schedule 11) there is now a ‘no real prospect’ test, where when considering the refusal of bail the courts must consider whether a person would receive a custodial sentence if found guilty. According to Hedderman (2012: 11)

this measure alone could more than halve the number of women received on remand. However, that depends on whether the courts will be expected to see the results of the no real prospect test as a suggestion, a recommendation, or a requirement.

The legislation on remand is now more aligned with the sentencing legislation where the seriousness of the offence is key, in that if the offence is unlikely to merit a sentence of imprisonment, the offender probably does not require to be held in custody whilst awaiting their trial.

However, previously when the courts deliberated upon bail they were not required to consider whether a prison sentence would be the likely outcome following a conviction. Under the Bail Act (1976: Schedule 1 Paragraph 2) rather than considering the seriousness

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<sup>3</sup> 5,801 out of 12,715 of female receptions into prison establishments were remand untried or remand convicted unsentenced. In fact, 63% of those who were remanded were untried (3,653).

<sup>4</sup> Examples of serious offences are murder or rape.

of the offence the courts were instructed to determine the risk that the offender posed regarding not surrendering to custody, offending whilst on bail or obstructing the course of justice. Previously the Wedderburn report (Prison Reform Trust, 2000: 52) suggested that ‘remanding a defendant in custody on the grounds that she is likely to offend whilst on bail is only justified if there is a serious risk of grave harm.’ However, most remanded women are not accused of violent offences. Three quarters (74%)<sup>5</sup> of all female remanded prison receptions in 2013 were held for offences other than violence against the person, sexual offences or robbery. In fact the single most common category of offence was theft and handling (Ministry of Justice, 2014f). In addition, prior to the change in legislation, only 40% of this population went on to serve a prison sentence (Prison Service Order 4800, 2008). Although for some this was because they had already spent time in prison on remand (Lowthian, 2002), in his study Edgar (2004) reported that 20% were acquitted and 20% received a community sentence.

There appears to have been confusion regarding the legitimate purpose of custodial remands for women, in that they have been used to provide a place of safety rather than a crime preventive purpose (NOMS Women and Equalities Group, 2012). Edgar (2004) argued that women are often remanded because of their chaotic lives, they are deemed at risk and needing protective intervention. If this is the sole criterion relied upon by the courts it inevitably violates the legislative presumption in favour of bail (Hale, 2005). Yet despite the changes in legislation, the courts may still remand a defendant if they require further information (1976: Schedule 1 Paragraph 5)<sup>6</sup>. According to Corston (2007) women are often deprived of their liberty for this reason, which again ‘blatantly contradicts a presumption in favour of bail’ (Edgar, 2004: 6). In fact, despite the importance of the bail decision, ‘studies have consistently shown that the information available to magistrates during bail hearings is, by and large, incomplete, of poor quality and of limited breadth’ and most remand hearings last less than 10 minutes (Edgar, 2004: 5). According to Player (2007: 426) ‘to imprison someone who is accused but yet to be found guilty of a crime

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<sup>5</sup> 1,485 out of 5,801 women were remanded in 2013 for violence against the person, sexual offences and robbery, and 1,598 were remanded for theft and handling (Ministry of Justice, 2014f).

<sup>6</sup> The defendant need not be granted bail where the court is satisfied that it has not been practicable to obtain sufficient information for the purpose of taking the decisions required by this Part of this Schedule for want of time since the institution of the proceedings against him.

calls for a degree of justification and restraint that is compatible with the intended strength of the right to liberty'. In response to the collateral harm caused by prison, it should be seen as a place of last resort. It remains to be seen what impact the new legislation will have on the already reduced female remand population. However there has been less movement within sentencing.

### *2.2.2 Sentencing Rationales and Custody Threshold*

According to the Ministry of Justice (2012c: 1) 'an effective criminal justice system should punish law breakers and protect the law-abiding'. There are however, other purposes of sentencing besides the retributive punishment of offenders and the requirement to safeguard the public. The courts have a statutory duty under s.142(1) of the 2003 CJA to consider several other purposes of punishment, namely: the reduction of crime (including its reduction by deterrence), the reform and rehabilitation of offenders, and the making of reparation by offenders to persons affected by their offences. According to the Sentencing Guidelines Council (2004: 3)

the Act does not indicate that any one purpose should be more important than any other and in practice they may all be relevant to a greater or lesser degree in any individual case – the sentencer has the task of determining the manner in which they apply.

This has led Ashworth (2010: 77) to argue that we currently have 'a law that seems to embody the worst of 'pick and mix' sentencing'. This raises a concern about the level of guidance that the courts are given, as they are required by legislation to balance the need for punishment with the alternative, potentially contradictory, purposes of sentencing. This balancing act may become more problematic when sentencing offenders with dependent children, as there may be further unintended consequences attached to a punishment. As such the courts need more guidance from the Sentencing Council, as some academics have suggested that we currently have an 'unworkable hybrid sentencing framework' (Easton and Piper, 2012: 71).

In 2004 the Sentencing Guidelines Council laid out the overarching principles for assessing the seriousness of offences. In this sentencers were told to 'start by considering the seriousness of the offence' and then in line with the principle of proportionality,



whereby the severity of the sentence should be ‘commensurate with the seriousness of the offence’, they must ‘determine which of the sentencing thresholds has been crossed [and] indicate whether a custodial, community or other sentence is the most appropriate’ (Sentencing Guidelines Council, 2004: 3). The previous 1991 CJA was underpinned by the ‘just deserts’ principle, in which punishment should be ‘in accordance with the current offence, rather than past crimes or possible future ones’ (Davies et al., 2010: 30). Although the central principle of proportionality has been preserved by the 2003 legislation, it has changed the role played by previous convictions. Under s143(2) the court must now treat each previous conviction as cumulatively aggravating the offender’s culpability (Sentencing Guidelines Council, 2004), effectively replacing the practice of treating a lack of previous convictions as a source of mitigation (Jacobson and Hough, 2007). The importance of this revision is that a prior record can now carry greater weight than before, escalating offence seriousness and, in consequence, the severity of sentences that can be passed on recidivist but relatively low-level offenders<sup>7</sup>.

Once the courts have decided the level of severity attached to an offence, they must then determine whether the custody threshold is crossed. S.152(2) of the 2003 CJA states that:

the court must not pass a custodial sentence unless it is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was so serious that neither a fine alone nor a community sentence can be justified.

The Government has repeatedly maintained that the loss of liberty through custody should remain a last resort and should be reserved for ‘serious, dangerous and violent offenders’ (House of Commons Justice Committee, 2008: 7). The Sentencing Guidelines Council (2004: 8) also urge caution:

...passing the custody threshold does not mean that a custodial sentence should be deemed inevitable, and custody can still be avoided in the light of personal mitigation or where there is a suitable intervention in the community which provides sufficient restriction (by way of punishment) while addressing the rehabilitation of the offender to prevent future crime.

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<sup>7</sup> For example, ‘in accordance with section 143(2) of the Criminal Justice Act 2003, any recent previous convictions for theft and dishonesty offences will need to be taken into account in sentencing. Where an offender demonstrates a level of ‘persistent’ or ‘seriously persistent’ offending, the community and custody thresholds may be crossed even though the other characteristics of the offence would otherwise warrant a lesser sentence’ (Sentencing Guidelines Council, 2008: 16).

The Government has also identified offenders who should if possible avoid incarceration. This includes non-violent offenders, those with mental health problems, many remand prisoners and most women (House of Commons Justice Committee, 2008). It is suggested that the unintended and ‘multiple harms’ caused by incarcerating a woman should give ‘special force’ to this requirement to impose a custodial sentence only when the sentence is ‘so serious’ (Sentencing Advisory Panel, 2010: 75).

Another important factor when sentencing women is their role as mothers; Article 8 of The European Convention on Human Rights (Council of Europe, 1950) states that:

1. Everyone has the right to respect for their private and family life, home and correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society.

It is suggested that incarcerating mothers affects both their own, and their children’s rights to family life, which although not completely removed, are certainly limited (Evans, 2013). The UK is also a signatory to both the Convention on the Rights of the Child (UN General Assembly, 1989) and the Bangkok Rules (United Nations, 2010)<sup>8</sup>, which argue for greater weight to be given to the impact a mother’s sentence could have on the well-being of her child. The Convention on the Rights of the Child (1989: Article 2) states that children should not be discriminated against because of their parents’ actions:

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Likewise, Article 3 states that:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

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<sup>8</sup> The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders.

Given the potential harm caused by separating a parent and child Murray and Farrington (2008a) suggest that fewer parents should be incarcerated, which could be possible through a greater use of alternative punishments. They suggest that this would be particularly appropriate for mothers convicted of non-violent offences. Indeed, the Bangkok Rules (UN General Assembly, 1989: 4) state that:

when sentencing...a child's sole or primary caretaker, non-custodial measures should be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent.

Evidently there are clear legal authorities that require existing caregiving responsibilities to mitigate against a custodial sentence. However the House of Commons Justice Committee (2013: 35-36) has recently acknowledged that the 'extent to which this factor is taken into account in sentencing decisions' is unknown. Another consideration which may prevent a custodial sentence is an early guilty plea, which if offered at the first available opportunity may reduce the proportionate sentence by one third (Sentencing Guidelines Council, 2004). However, Jones (2011) suggests that this may adversely affect women with family responsibilities, coercing them to enter a plea of guilty in order to avoid the uncertainty of a trial and the risk of a prison sentence. Despite these elements and protestations from the courts that they attempt to avoid incarcerating women, and only do so when it is absolutely necessary, the evidence suggests this is not so. Many women in prison match those whom the Government identify as appropriate for diversion from custody.

#### **Resistance to Change: What Works?**

The majority of academic literature says that custody should be reserved for the most violent and serious offenders, and that most women in prison should be dealt with in the community. In 1992 The Reed report recommended the introduction of Liaison and Diversion schemes in police stations and courts for vulnerable offenders (for example those with learning difficulties or mental health or substance issues). Given the high level of vulnerability in the female prison estate, this had the potential to significantly reduce the numbers of women remanded or sentenced by the courts. This recommendation was supported by Lord Bradley (2009), and the Women's Justice Taskforce (2011) suggested

that women should be a specific group within these services. However recently The House of Commons Justice Committee (2013: 41) said that these schemes were not 'yet developed sufficiently to impact systematically on the treatment of women offenders'. Likewise, although the Ministry of Justice (2010) said they would pilot and roll out Liaison and Diversion services nationally by 2014, it took till 2014 before £25million was invested in them, with nationwide provision in place by 2017 (Department of Health and Home Office, 2014).

Another effort to divert women from custody was initiated by the Women's Offending Reduction Programme, which was created in 2004 in order to improve services in the community and encourage joint working and cross-departmental best practice. The Together Women programme was also created the next year 'to fund one-stop-shop provision with linked key workers to facilitate women's access to services in the community' (Worrall and Gelsthorpe, 2009: 340). In 2007 Baroness Corston, who was commissioned by the Home Office to examine vulnerable women in the criminal justice system, laid out 43 recommendations which included:

- Extending the Together Women Programme as quickly as possible and develop a larger network of community centres in accordance with a centrally coordinated strategic national plan drawn up by the new Commissioner, for women who offend or are at risk of offending.
- Services should be provided based on the one-stop-shop approach of centres like Asha and Calderdale, which will be coordinated to meet the profiled needs of local women, including minorities such as BME women.
- Women's centres should be used as referral centres for women who offend or are at risk of offending... They should also be used as court and police diversions; as part of a package of measures for community sentences; and for delivery of probation and other programmes.

Corston's recommendations have been recognised and many acted upon by the Government. For example, with the investment in 'the one-stop-shop services delivered through women's centres provid(ing) the beginning of a radical new women-centred

approach that the report called for' (Corston, 2011: 4). Although these women centres were set up to divert low risk offenders from prison, and the Sentencing Guidelines Council (2004) encouraged the use of community alternatives if they were able to punish and rehabilitate, the courts have been very resistant to change. These centres are not being used to their full potential, research has found that they are being used 'to enhance both community sentences and post-custody resettlement' instead of providing alternatives to custody (Radcliffe et al., 2013: 74). Likewise, Hedderman and Gunby (2013: 426) suggested that whilst 'the increased provision of one-stop shops has been welcomed by sentencers, other changes may be needed before these are seen as a replacement for prison rather than just a useful supplement to community orders'.

### **2.3 Problems with Short Prison Sentences**

When the courts consider an offender to have crossed the custody threshold and alternative sentences to be inappropriate they are also advised by the CJA (2003: s. 153) that 'the custodial sentence must be for the shortest term (not exceeding the permitted maximum) that in the opinion of the court is commensurate with the seriousness of the offence'. However, there are problems with the use of short sentences, the existing literature often suggests that they should not be used because of their expense<sup>9</sup>, however the fact that they do not fulfil several of the purposes of incarceration makes them most problematic. According to the House of Commons Justice Committee (2008: 36)

custodial sentences, even very short ones, are often seen as the ultimate punishment and an assumption is made that achieving the punishment aim of sentencing compensates for deficiencies in meeting other aims such as rehabilitation or reparation. We disagree with this approach to using custodial sentences.

The 1991 CJA defined short-term sentenced prisoners as those serving less than four years (Prison Service Order 6650, 2010), and under s.33 after serving half of the sentence they are automatically released. Those whose sentence is less than 12 months are returned to the community unsupervised and are considered 'at risk for the remaining period' (Home

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<sup>9</sup> For example, according to the National Audit Office (2010) in 2008-09 it cost £289 million to induct, house and feed short-term prisoners, with additional money being spent on education and healthcare. Likewise, NAPO (2010) estimated that annually £350million is spent on sentences of six months and less, but that only £50-60million would be spent if most of these offenders were dealt with in the community.

Office, 2010: 81), whereas prisoners serving sentences of 12 months or more are released on license and supervised by probation until the end of their sentence. For the purposes of this thesis a short prison sentence is defined as less than 12 months, of which half is served in prison and half in the community.

The Halliday Review (2001: 22) of the sentencing framework for England and Wales, was particularly concerned about the growth of short prison sentences between 1989 and 1999<sup>10</sup> because of the limited time they provided for prisoners to tackle the causes of their offending. Despite a recent decrease in the use of imprisonment (Ministry of Justice, 2014d)<sup>11</sup> short sentences remain a popular choice; over half of all sentenced prison receptions in 2013 received less than 12 months (Ministry of Justice, 2014d)<sup>12</sup>. The continued use of short sentences is particularly marked for women: for example, in 2013 8 in every 10 sentenced female prison receptions were serving under 12 months, the majority of which were serving 6 months or less (Ministry of Justice, 2014a)<sup>13</sup>. However, ‘the evidence as to why many women receive short custodial sentences is unfortunately limited’ (Ministry of Justice, 2013c: 12). Despite accounting for only 18% of the total sentenced female prison population in June 2013<sup>14</sup> (Ministry of Justice, 2014i) they constituted 84% of all sentenced women discharged in 2013<sup>15</sup> (Ministry of Justice, 2014g). Consequently, although they make up a relatively small percentage of the total prison population, they create a disproportionate churn and workload in relation to processes of induction, transportation and release (Hedderman, 2008; House of Commons Justice Committee, 2008). As such, short sentences were recently described by Lord Neuberger (2013: 2), President of the Supreme Court, as ‘administratively inconvenient’ due to the existing pressure on prison places.

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10 Between 1989 and 1999, sentences of less than 12 months for indictable offences by adults above 18, increased from 27,000 to 45,000 – an increase of 67%. The bulk of the increase was in the shortest of these sentences. Those of under 3 months increased by 176%; those of 3 months and less than 6 months by 89%.

11 For example there were 107,318 first receptions into prison in 2013 compared to 135,042 in 2003.

12 56%. Out of 82,305 sentenced prison receptions, 46,208 were sentenced to 12 months or less and 37,527 were sentenced to six months or less.

13 Out of 6,914 sentenced female prison receptions, 5,702 were sentenced to less than 12 months, of which 4,134 were sentenced to six months or less.

14 In June 2013 594 out of 3,214 sentenced female prisoners were serving sentences of less than 12 months.

15 In 2013 5,477 out of 6,547 sentenced female prisoners discharged were prisoners who served sentences of less than 12 months.

Whilst the purpose of imprisonment has been defined as threefold: ‘punishment, rehabilitation, and public protection’ (National Audit Office, 2010: 12), criminological literature routinely argues that, in most cases, it is a costly and ineffective way of punishing and reforming offenders, providing only limited public protection (Hough et al., 2003; Howard League for Penal Reform, 2013; Mills et al., 2010) and that short prison sentences are especially problematic in all of these respects (Matrix Evidence, 2009a; National Audit Office, 2010). Although they are retributive and temporarily incapacitative, they do not protect the public from dangerous offenders and provide limited opportunity for rehabilitation as there is ‘limited scope for intervention’ (Home Office, 2010: 2). They serve ‘little purpose over and above taking the offenders in question out of the community for a short time’ (Prison Reform Trust, 2010b: 1) and can often cause further problems for an already vulnerable group. The damning conclusion of the Halliday review (2001: 22) was that ‘shorter prison sentences are ill-equipped to do anything to tackle the factors underlying criminal behaviour, by comparison with any other sentence’ and that ‘a more effective recipe for failure could hardly be conceived’. As such it will be suggested that the social harm inflicted, particularly on mothers, through a short prison sentence outweighs its social utility as a mechanism of crime control. What will now be explored is how there appears to be a conflict between the Government’s policy agenda and practice, as many non-violent women with no criminal histories are serving short prison sentences. Very little research has looked at the extent to which the courts take account of gender since the work by Hedderman and Gelsthorpe (1997: viii) nearly two decades ago, which concluded that female offenders are more typically viewed as ‘troubled’ rather than ‘troublesome’. There is also a lack of research on the impact of the Equality Acts on sentencing practice in England and Wales, but the literature coming from America suggests that there is a growing problem of ‘vengeful equality’, in that there is a gender blind treatment of women by those in the criminal justice system (Chesney-Lind, 2006). However, it is unclear as to the extent that this is happening in England and Wales; future research should examine this.

### *2.3.1 Not Required for Public Protection*

#### *2.3.1.1 Neither Violent nor Prolific Offenders*

Consistent with their statutory obligations, sentencers told Hough, et al., (2003) that prison is only used if the severity of a crime is too serious to allow a community punishment, or if the offender repeatedly reoffends or breaches orders. However it will be argued that most women serving short sentences do not commit serious offences, and that many are not persistent offenders. The Carter review (2003), commissioned to provide an independent review of correctional services, recommended that imprisonment should be reserved for dangerous and prolific offenders, with others being dealt with more effectively through alternative punishments. Although the public is protected from female offenders while they are imprisoned for short terms, the incapacitative effect is minimal given that they will only remain in custody for short periods of time and do not represent a risk of grave harm.

According to Devlin (1998) the general public believes that there has been an increase in the number of violent female offenders. This is often fuelled by sensational media reports on violence among young women. For example, on February 11<sup>th</sup> 2011 The Daily Mail had a headline of “1 in 3 girl offenders are thugs: violence is the most common first-time crime for under-17s” (Harris, 2011); and on August 6<sup>th</sup> 2013 The Independent ran the headline “The real Bad Girls - extraordinary insight into London's female gang culture” (Combi, 2013). As such, the public perceives the increase to be greater than it actually is, whereas, there has only been a 4% increase in the number of immediate female custodial sentenced receptions for violence against the person, sexual offences and robbery between 2003 and 2013 (Ministry of Justice, 2014e)<sup>16</sup>. The literature does not argue for men and women to be treated differently simply on grounds of their sex, the sentencing guidelines and the equality legislation (Equality Act, 2006; Equality Act, 2010) state that the courts are required ‘to avoid discrimination on grounds of sex and to advance equality of opportunity by responding to gender-specific disadvantages experienced by women and by meeting their gender-specific needs’ (Player, 2012: 247).<sup>17</sup> However, as can be seen from Table 1 almost all (86%) women receiving a short-term custodial sentence were non-

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<sup>16</sup> 16% of all immediate custodial sentenced receptions into female prison in 2003 were there for violence against the person, sexual offences or robbery compared to 20% in 2013.

<sup>17</sup> Gender equality in sentencing will be discussed in more detail when additional harms are explored.



violent offenders in 2013. In fact, almost half had been sentenced for theft and handling (Ministry of Justice, 2014b).

Offence Type	Number of women
Violence against the person	639
Sexual offences	3
Robbery	31
Burglary	110
Theft and handling	2,390
Fraud and forgery	191
Drug offences	76
Motoring offences	86
Other offences <sup>18</sup>	1,362
Offence not recorded	11
<b>Total</b>	<b>4,899</b>

**Table 1: Offence by number of women received with immediate custodial sentence of less than 12 months in 2013 (Ministry of Justice, 2014a).**

Similar levels are reflected in the prison population data<sup>19</sup>. Therefore, the majority of women that are given short sentences do not warrant imprisonment on grounds of public protection or offence seriousness, as the majority of them do not appear to cross the custody threshold as outlined in the 2003 CJA. According to the House of Commons Justice Committee (2013: 4) ‘prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety.’ The Corston Report (2007: 16) specifically criticised the use of short prison sentences for non-violent, vulnerable women who could often be classified as victims themselves, posing little risk to others but presenting ‘a far greater risk to themselves’. However, despite the pressure to reduce the number of non-violent women serving short sentences, this

<sup>18</sup> According to a report by HMI Probation et al., (2011: 14) 60% of these ‘other offences’ are breach of order, which ‘in many of these cases, the original offence or behaviour would have been unlikely to have resulted in a custodial sentence’.

<sup>19</sup> On the 30th June 2013 the majority of female prisoners serving less than 12 months were there for non-violent offences, only 14% were there for violence against the person, sexual offences or robbery, whereas 47% were there for theft and handling (Ministry of Justice, 2014c).

continues to happen because of the existence of a series of tensions within the criminal justice system.

The custody threshold is often crossed not by the harmfulness of a crime but by the persistence of offending. According to the Halliday Review (2001: 3) most short sentences are ‘used for very persistent offenders whose offences are judged serious enough to deserve imprisonment, but not so serious as to justify a longer prison term.’ Although the Government state that women should be diverted from custody whenever possible, as previously mentioned the 2003 legislation outlines how repeat offending increases the seriousness of an offence. However it is suggested that persistence is not the cause for those serving short sentences as there was a 13% increase in the number of prisoners with only one previous conviction between 2000 and 2008 (National Audit Office, 2010). Likewise, according to the Ministry of Justice (2013g) 15% of female prisoners serving less than 12 months on 30<sup>th</sup> June 2012 had no previous conviction or cautions and 27% had 2 or less, compared to 7% and 15% for males<sup>20</sup>. This suggests that contrary to the 2003 CJA, short sentences continue to be used for non-persistent female offenders.

A key element of the coherent sentencing strategy envisaged under the Criminal Justice Act 2003 was to deal with low level offenders by community punishments rather than short custodial sentences. It is clear that this strategy has not worked (House of Commons Justice Committee, 2008: 34).

Given the higher percentage of women in prison with no or limited convictions or cautions, the question that arises is why often very vulnerable women are incarcerated earlier in their criminal careers than men. Previously Hedderman and Gelsthorpe (1997) demonstrated that the courts were unwilling to give women, particularly mothers, fines due to their concern about the women’s ability to pay them and the detrimental effect it could have on their children. The unintended consequence of this practice was that women missed a rung on the sentencing ladder, effectively propelling them ‘up the sentencing

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20 9% of females serving less than or equal to 6 months and 21% serving greater than 6 months and less than 12 months had no previous convictions or cautions, compared to 6% and 8% respectively for males. Likewise, according to a Freedom of Information Request (2014h) of the women who were sentenced to less than 12 months in custody for a non-violent offence in 2013, 1,465 had not received any previous immediate custodial sentences.

scale' (Player, 2012: 251). Corston (2007:18) reported that the reluctance to fine women has continued:

in women receiving more severe community penalties instead but, skipping a step up on the sentencing ladder in this way, carried the risk of an even more severe sentence in the event of a subsequent conviction.

Similarly, multiple welfare issues make some women appear more unpredictable than men, and at risk of not completing community sentences (Gelsthorpe et al., 2007). The consequence of this can be very severe particularly for those with custody of their children. Previously a study conducted by Caddle and Crisp (1997) found that 65% of imprisoned mothers had no previous convictions, and for 85% of them it was the first time they had been separated from their children for a significant period of time. A prison sentence, which takes mothers away from their children, is mostly considered as more detrimental to both mother and child than other punishments. As such the Howard League for Penal Reform (2005: 24-25) has suggested that:

custody for women should be virtually abolished so that only those women who are convicted of serious and violent offences and who represent a continuing danger to the public should be held in custody. For other women offenders community-based interventions that make amends for the wrong done and encourage women to change their lives offer the best chance of creating a safer society.

If this became sentencing practice it would allow for women who do not pose a risk to society to be punished using more suitable community alternatives and would significantly change the female prison estate, given that there were 5,979 women sentenced to prison in 2013 for non-violent offences (Ministry of Justice, 2014e).

#### 2.3.1.2 Vulnerable Population

For some, imprisonment provides a relief from chaotic lives that are characterised by multiple problems (Durcan, 2008; Social Exclusion Unit, 2002). This is especially the case for remanded and short sentenced women who are a particularly marginalised group, with histories of unmet needs and exclusion (Jacobson et al., 2008). Many argue that they require assistance rather than punishment (Acoca and Raeder, 1999; Carlen, 2002; Carlen

and Worrall, 2004; Corston, 2007; Gelsthorpe et al., 2007; Player, 2005; Rumgay, 2004). Although these women have broken the law, they are often victims

of biology, of poverty, of abuse and addictions, and more than anything else, of men. This construction, however, depends on their congruence with the stereotypes of the “sinned against rather than sinning”, or the “poor unfortunate”, or the sick and inadequate (Hudson, 2002: 39-40).

The plethora of problems that characterise their lives include unstable accommodation, low education, unemployment, debt, poor physical health, drug and alcohol dependency, experience of abuse, mental health issues, self-harm, and risk of suicide. However, as will be discussed later, there are aspects associated with short terms of incarceration, which result in the exacerbation of these vulnerabilities. It is these experiences of social exclusion and injustice that inhibits their full participation as citizens. For many ‘a vicious cycle of victimisation and criminal activity develops, creating a toxic lifestyle that is exceedingly difficult to escape’ (Rumgay, 2004: 9). For example, female offending and drug addiction are often intertwined (Corston, 2007) and a higher incidence of problematic harder, and poly, drug use is reported by female prisoners compared to male prisoners and females in the general population (Corston, 2007; HM Prison Service, 2004; Light et al., 2012). Studies of female prisoners persistently show high levels of substance misuse, and this is particularly marked for those serving short sentences. For example Plugge et al., (2006) found that 75% of 505 female prisoners had used illicit drugs in the six months before their sentence, and 58% used drugs daily. A significant level of this daily drug use was crack cocaine and heroin. Likewise, Stewart (2008) found that in the year before custody, many of the 130 women in the Surveying Prisoner Crime Reduction (SPCR) survey<sup>21</sup> had used heroin (45%) or crack cocaine (49%), and that women serving short sentences were more likely to use these drugs than those serving longer terms. High levels of alcohol misuse has also been recorded: Plugge et al., (2006: 28) noted that ‘42% of women prisoners drank alcohol in excess of Government guidelines prior to imprisonment’, a level of drinking that ‘carries the risk of physical or mental harm’ (Social Exclusion Unit, 2002: 62). However substance dependency is probably higher than this due to underreporting in prison. Many mothers fear that doctors, social workers and

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<sup>21</sup> The SPCR is a longitudinal cohort study of 1,435 adult prisoners sentenced to between one month and four years in prison in 2005 and 2006.

the courts will take away their children if they admit addictions (Cabinet Office Social Exclusion Task Force, 2009; Devlin, 1998).

Women's 'experiences of violent and sexual victimisation may partly explain their high rates of substance misuse' (Gelsthorpe et al., 2007: 17) as a form of self-medication. It is widely reported that many female prisoners have experienced high levels of trauma as both children and adults (HM Prison Service, 2004) compared to the general female population and male prisoners (Williams et al., 2012). Half the female SPCR sample reported observing violence at home as a child, and over half (53%) reported emotional, physical or sexual abuse as a child (Williams et al., 2012). Likewise, half of the female prisoners in a Howard League (2006) sample who experienced abuse were under the age of 12 at the time. According to the Prison Service Order 4800 (2008) one third of female prisoners have experienced sexual abuse and half have experienced domestic violence. Although women may be more likely than men to report sexual abuse (Williams et al., 2012), it is still underreported by women (Ministry of Justice, 2012d). This abuse plays 'a part in the onset and persistence of offending' (Gelsthorpe et al., 2007: 7), as it contributes towards 'lowered self-esteem, a lack of sense of control over one's life, and behavioural inclinations for crime and violence' (Chesney-Lind and Pasko, 2013: 108). Although abuse does not excuse, or necessarily cause, offending, 'a more constructive response to offending, based on an appreciation of the impact of victimization on a woman's circumstance and behavior, may be justified' (Sentencing Advisory Panel, 2010: 73).

There is also a proven link between substance misuse and mental health issues, particularly amongst women in prison. Ash (2003) reported high levels of mental ill-health in drug dependent female prisoners, 83% of remands and 75% of sentenced inmates, had more than one mental disorder. Likewise, in their research Light et al., (2012) found that 52% of female prisoners who reported recent drug use suffered from anxiety and depression, nearly 10% higher than those without recent drug use. Ash (2003) also found equally high levels of mental disorder in female prisoners who drank hazardous amounts, 87% of remands and 77% of those sentenced had more than one mental disorder. In fact, the Home Office (2004: 8) report that 'a large number of women with mental health problems are ending up in custody rather than being diverted into community-based

mental health services.’ Due to problems in how information is gathered and an unwillingness to admit problems (Durcan, 2008), mental health, like addictions and abuse, is probably underreported in the female prison estate. Nonetheless reported levels of psychological disturbance, neurotic disorders, anxiety and depression, as well as eating disorders are much higher than those found for male prisoners and the general female population (Devitt et al., 2009; HM Prison Service, 2004; Light et al., 2012; Plugge et al., 2006). According to Singleton et al., (1998) there are also higher rates of depressive ideas (57% vs. 39%) and previous admissions to a mental hospital (22% vs. 15%) amongst remanded female prisoners compared to the sentenced female prison population. Yet despite this, and consistent with the SPCR data, according to the Home Office (2004: 8) only 40% of female prisoners received any ‘help for mental or emotional problems in the 12 months prior to imprisonment’.

Mental ill-health is often visible through self-harm and suicide, and although both occur in the community, the literature suggests that there are worryingly high levels within prison (Corston, 2007). In contrast to the potentially hidden number of prisoners with mental health problems and addictions, the rates of self harm, particularly repeat self-harm, expose the emotional turmoil in female prisons. Self-harm can vary from minor injury to significantly more serious, life-threatening harm (Ash, 2003). The reasons for it are diverse, it is often seen as a coping mechanism (NOMS Women and Equalities Group, 2012) and one known trigger is a feeling of helplessness and powerlessness, which is inevitably exacerbated for women in prison (Devlin, 1998). Self-harm is also thought to be a response to a traumatic event, such as an anniversary of an abusive experience, a bad visit or an unsettling piece of news (Ash, 2003). However, it may also be a suicide attempt (NOMS Women and Equalities Group, 2012) but this is something the prison data does not reveal.

There are, however, high rates of self-injury by female prisoners prior to incarceration. According to Light et al., (2012) 29% of female prisoners have self-harmed compared to 13% of male prisoners and 5% of the general public. This level of self-injury illuminates the mental state of many women prior their detention and helps explain why self-harm remains persistently high in women’s prisons. In line with previous years, in 2013 there

were many more incidents of self-harm in female prisons (1,518 instances per 1,000 prisoners), compared to male prisons (211 instances per 1,000). Therefore, despite making up less than 5% of the entire prison population, women accounted for 26%<sup>22</sup> of all prison self-harm incidents (Ministry of Justice, 2014l). Although this is significantly fewer than in previous years it remains disproportionately high. In 2013 28%<sup>23</sup> of these self-harm incidents were within the first month of arrival (Ministry of Justice, 2014l) and 23%<sup>24</sup> of female self-harm incidents were carried out by remand prisoners (Ministry of Justice, 2014m), supporting an argument that the initial period of incarceration is often the most traumatic (Prison Service Order 4800, 2008). Despite many women's short terms of imprisonment, it is evident that they are 'in jail long enough to disrupt further lives often already marred by chaos and distress' (Edgar, 2004: foreward). The Corston report (2007: 9) argued that when considering remand 'sentencers should demand convincing evidence that the defendant is fit for custody because imprisonment can cause serious damage to women'. Corston also recommended that non-violent, low-level female offenders who self-harmed should not be incarcerated but referred to the NHS who could deal with the underlying problems in a less punitive environment. This is still not standard practice.

The histories of addiction, abuse and mental illness of women in prison, as well as the distress associated with incarceration, are also reflected in the rates of suicide and attempted suicide for this vulnerable group of women (Hale, 2005). As with self-harm, suicide is contemplated for many reasons; such as, anxiety, depression, bullying, concerns about children, missed visits, a move between prisons and loss of accommodation (Devlin, 1998). Again, there are much higher rates of suicide attempts by female prisoners prior to incarceration (46%) compared to male prisoners (21%) and women in the general population (7%). This pattern remains consistent when looking at suicide attempts in the year before custody and suicidal thoughts in the four weeks prior to incarceration (Light et al., 2012). Although the risk of suicide outside of prison is higher for males than females, in prison it is the opposite (Gelsthorpe et al., 2007; The Howard League for Penal Reform, 2006), possibly because motherhood is a protective factor in the community (Corston, 2007). Between 2003 and 2007, 42 female prisoners committed suicide (Ministry of

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22 5,970 out of 23,183 self harm incidents in 2013 were carried out by female prisoners.

23 1,661 out of 5,970 female prisoner self harm incidents in 2013 were carried out in the first 30 days.

24 1,385 out of 5,970 female prisoner self harm incidents in 2013 were carried out by those on remand.

Justice, 2014n). However due to significant efforts, for example the Corston inquiry was specifically set up in response to the high level of suicides at HMP Styal (Justice Committee, 2013), the rate has reduced in recent years from a high point of 14 in 2003 to 2 in 2013<sup>25</sup> (Ministry of Justice, 2014n). As with self-harm, the risk of suicide is heightened in the initial period in custody, with Shaw et al., (2004) reporting that a third of the self-inflicted deaths in custody between 1999 and 2000 occurred within the first week. This again highlights the emotions involved in the early stages of prison, or short sentences. The high risk of self-harm and suicide in female prisons demonstrates the emotional vulnerabilities of these women and the importance of reserving prison for those who pose a risk to society.

The literature also reveals that many female prisoners have histories of insecure accommodation in childhood and adulthood, for example 31% of the SPCR sample had spent some time in care (Williams et al., 2012), 10% were homeless before prison and 40% listed accommodation needs (Stewart, 2008). However, Gelsthorpe et al., (2007: 24) suggest that the true level of unstable or unsuitable housing is higher because women ‘may become involved in the provision of sexual services or may tolerate abusive relationships to prevent themselves from becoming homeless.’ Female offending is often related to financial difficulties (Cabinet Office Social Exclusion Task Force, 2009), which are often problematic due to child caring responsibilities (Gelsthorpe et al., 2007).

According to Stewart (2008) 77% of the female SPCR sample had not been employed the year before custody, and 87% were not employed four weeks prior to incarceration<sup>26</sup>. However those that are employed are particularly affected by the gender pay gap<sup>27</sup> (Hopkins, 2012). This high level of unemployment reflects their low levels of educational attainment: almost half (47%) of the female SPCR sample reported having been suspended or temporarily excluded from school and 1 in 3 (32%) reported a permanent exclusion (Williams et al., 2012). The Social Exclusion Unit (2002) study found that 84%

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25 There has already been one self-inflicted death in a female prison in 2014.

26 Similarly, in a sample of women in HMP Holloway the Howard League (2006) found that 40% had never been in paid employment.

27 The difference between men's and women's earnings as a percentage of men's earnings, is reflected throughout the country with a gap (based on median gross hourly earnings (excluding overtime) for all employees (full-time and part-time)) of 19.7% in April 2012 (Office for National Statistics, 2013).



of female prisoners left school at 16 or younger, consequently HM Inspectorate of Prisons (2005) reported that many have the same or lower levels of literacy and numeracy than 11-year olds (52% and 76% respectively). Likewise, many have no qualifications, 71% according to the Social Exclusion Unit (2002) and 44% from the female SPCR sample (Stewart, 2008).

Although the different vulnerabilities in the women's lives require specific interventions, the literature suggests that they should not be looked at in isolation, as they are closely interdependent. Snyder (2009: 56) ascertains that 'a more comprehensive understanding of the needs of women offenders and their children may provide a more cost-effective means of service provision as well as provide for greater community safety'. As a response to this, the present study will report on detailed interviews with women post-custody to explore the lasting impact of short prison terms on their different vulnerabilities.

### *2.3.2 Failure to Prevent Re-offending*

The second reason why short prison sentences are unsuitable is their failure to prevent re-offending. Carlen and Tombs (2006: 353-354) discuss the myth of in-prison rehabilitation, suggesting that sentencers are wrong to assume

that imprisonment can and will, through its rehabilitative regimes and programmes, reduce the likelihood of already excluded women returning to crime...far from rehabilitating socially excluded women, the social options of all women prisoners are most probably narrowed by their time in prison.

This is particularly the case for those in prison for short terms, who have 'few social or psychological resources' (Chesney-Lind and Pasko, 2013: 108). Although there are opportunities for those incarcerated for short periods to address their offending behaviour, often rehabilitation does not take place and problems are intensified (House of Commons Justice Committee, 2008; Judicial Studies Board, 2009). This is reflected in the higher reconviction rates compared to those serving longer sentences (Hudson et al., 2007). The proven one year re-offending rate of women released from prison in 2010 after serving 12 months was 56%, compared to 24% of those sentenced to 12 months or more (Ministry of Justice, 2013b). This trend remains even when offender characteristics (age, offence type,

ethnicity and number of previous convictions)<sup>28</sup> are matched<sup>29</sup>. Similarly, according to the Ministry of Justice (2013b) of those who reoffend, short-termers are the most prolific. As such, in 2007-08 re-offending by short-sentenced prisoners cost the economy between £7-£10billion, three quarters of the total cost of all re-offending by recent ex-prisoners (National Audit Office, 2010). There are multiple reasons why they are not rehabilitated. Firstly, they are exposed to an offending population that may be detrimental to their choices post-custody, especially if they have limited criminal histories. Secondly, despite their chaotic lives and multiplicity of needs, they are not incarcerated long enough to participate properly in schemes that may reduce their vulnerabilities and their propensity to offend. Lastly, until recently, upon release adult short-term prisoners were unsupported in the community. As such the sentence itself may add to pre-existing problems, and disproportionately inflate the punitive weight of the sentence.

#### 2.3.2.1 Criminogenic and Vulnerability Not Addressed

A central argument in a lot of ethnographic prison research is the development of criminal knowledge amongst those in custody (Cid, 2009; Vieraitis et al., 2007). ‘Even a short term in prison will bring a mild offender in touch with habitual criminals, which will increase the prospect of her re-offending’ (Lord Neuberger, 2013: 2) as the close proximity allows for the attainment of knowledge about offending and how not to get caught (Lippke, 2002). Two thirds of the general public in an online poll felt that ‘prisons are universities of crime’ (Smart Justice, 2008); opinions which echo Douglas Hurd’s famous 1990s White Paper quotation (Home Office, 1990: paragraph 2.7) “prison is an expensive way of making bad people worse”. However, as will be discussed, for women in prison for short periods other negative and unintended consequences are of greater social significance.

Given the high level of vulnerability amongst women in the prison estate, a commensurate

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28 Matching by variable is carried out on five offender characteristics: exact age (in years), gender, offence type (based on a detailed list of Home Office offence codes), ethnicity (White North/South European, Black, Asian, Chinese, Japanese or South East Asian, and Middle Eastern) and the number of previous convictions. If one offender from a disposal group has the same age, gender, detailed offence type, ethnicity and number of previous convictions as another offender from a different disposal group, then they are a match (Ministry of Justice, 2013a).

29 For example, matching by variable it was reported that 61.2% of female prisoners serving up to 12 months in 2010 were reconvicted within one year, compared to 54.9% of matched female offenders serving a community order. Likewise, 61.1% of female prisoners serving up to 12 months in 2010 were reconvicted within one year, compared to 51.4% of matched female offenders serving a suspended sentence order (Ministry of Justice, 2013a).

range of prison programmes is expected. ‘Programmes for women should be built around their needs, rather than assuming that models developed for male offenders will suffice’ (Coulsfield, 2004: 80). However HM Chief Inspector of Prisons for England and Wales (2012: 9) reported that ‘there is a limit to what women’s prisons can achieve’; this is particularly pertinent for short-term prisoners. Stewart (2008: 20) argues that the sentence planning and risk assessment tool is not routinely available for these prisoners and there is great difficulty ‘in prioritising interventions and resettlement support’. In their thematic review of women in prison HM Inspectorate of Prisons (2010) found that less than a third of short sentenced women had a sentence or custody plan. Without this it could be argued that currently their limited time in prison is not used as effectively as possible. Previously Herrmann (1967: 724) argued that short sentences are ‘too short to exert any efficient pedagogic influence upon prisoners.’ This continues to be the case, due to the minimal time in prison this group often ‘will have fewer opportunities to acquire educational or work skills, receive treatment for their drug misuse or undertake offending behaviour programmes’ (HM Prison Service, 2002: 1). According to the National Audit Office (2010) the majority of 91 prison governors surveyed said they needed 25 weeks or more to address offending behavior. This is time that most short-term prisoners lack as they will spend a maximum of 26 weeks in prison, with most spending significantly less than this in custody, waiting ‘on average, for 26 days to get access to an activity’ (National Audit Office, 2010: 7). As a result of the short sentences and long waiting lists, there is typically little time to evaluate need and ‘establish the relevant sources of help both in the prison and in the community’ (Burke et al., 2006: 121). Maxtrix Evidence (2009a: 9) conducted a cost comparison of prison and community sentences<sup>30</sup> and estimated that ‘£980 million would have been saved if those offenders given a custodial sentence of twelve months or less in 2007 had instead been diverted to residential drug treatment’ as a result of lower intervention and re-offending costs. Given their minority status women would account for a small proportion but, nonetheless, not an insignificant saving.

Even if short term prisoners are able to undertake programs, they will not be in custody long enough for the more intensive prison programs (Stewart, 2008). For example, most

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<sup>30</sup>  $InterventionCost = (Cost * Length) - (CostCustody * LengthCust)$ . Where *InterventionCost<sub>i</sub>* is the incremental cost of intervention *i* compared to standard prison, *Cost<sub>i</sub>* is the annual cost of intervention *i*. *Length<sub>i</sub>* is the average length of intervention *i*. *CostCustody* is the annual cost of a standard prison and *LengthCust<sub>i</sub>* is the average length of a standard prison sentence.

women serving short terms will not be eligible for the RAPt 12-step drug programme which spans a period of 20 weeks and has a proven record of reducing reconvictions amongst male and female addicts compared to a matched control group of prisoners<sup>31</sup> who received low intensity treatments<sup>32</sup> (RAPt, 2010). In addition, amongst those who were reconvicted, the control group committed double the number of offences compared to those who completed the RAPt programme (RAPt, 2010). In Ramsay's (2003: 36) study, many (61%) detoxing short sentenced prisoners felt their treatment needed to be longer. 'Unmet demand for treatment services after the initial assessment and detoxification' has been identified as 'one of the main factors impacting on women with drug problems' (Home Office, 2003: 3). Although there are now drug programs in all female prisons, in 2012/13 there were only 168 drug treatment programs<sup>33</sup> successfully completed (Ministry of Justice, 2013f), suggesting that many women engaging in substance misuse are not being adequately dealt with in prison. Given the correlation between drug use and offending, Corston (2007: 17) has argued that the criminal justice system should help change behaviour to break the vicious circle but notes that punishment alone, 'especially in stark terms of loss of liberty and all that that entails for women, does not change behaviour'. In fact, Gelsthorpe et al., (2007: 17) argue that 'incarceration may well exacerbate, or even cause...drug dependency', for example 'the devastation of their loss had commonly driven' many of the women who had lost custody of their children because of drug misuse 'back onto heroin to block out the pain' (Devlin, 1998: 212). Likewise, the availability of illicit substances within prison is well known in the literature (Coulsfield, 2004; Durcan, 2008). In 2010 the Government laid out a drug strategy, which included the piloting of abstinence focused drug recovery wings in 11 prisons, two of which are female<sup>34</sup>. 'Rather than focusing on reducing the harms caused by drugs and the crime reduction benefits of treatment, the emphasis shifted to offering support to drug users to become "drug-free" and choose "recovery" as a way out of dependency' (Duke, 2012: 39).

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31 The two groups were matched in terms of their substance dependence, substance(s) of choice, age and main index offence.

32 44% compared to 73% re-offended within one year.

33 The intensity of these programs is not recorded, but across the female estate the programs available are Prison Addressing Substance Related Offending, Integrated Drug Treatment Systems and Short Duration Programme (Women in Prison, 2013).

34 HMP Styal is a closed training prison, which holds sentenced and remanded women, and HMP New Hall is a closed local prison, which holds adult female prisoners. However in the rapid assessment of the drug recovery wings, it was not clear whether the wings would be appropriate for short-term prisoners, as the prisoners on the wing at Styal were all serving long sentences, and the minimum time spend on the wing at New Hall was six to eight weeks (Lloyd et al., 2014).

In 2012 the University of York (2013) began a three year appraisal of 11 drug recovery wings, which should be available in 2015.

Given ‘their previous life experiences, gynaecological needs and the cultural demands made on women outside prison, certain aspects of imprisonment formally imposed on men and women equally are likely to occasion more pain for women than males’ (Carlen, 2002: 9). This is particularly the case for mental ill-health. It is suggested that although the health of prisoners with drug addictions can be improved, the punitiveness of the prison environment is problematic for women with histories of trauma and mental ill health (Watson et al., 2004). A custodial sentence, even if only short, is likely to exacerbate these problems (Gelsthorpe et al., 2007), further adding to the pains of incarceration. According to the Centre for Mental Health (2011: 2) ‘not everyone enters prison with a mental health problem: for some, being in prison will lead them to develop depression or anxiety’. Indeed, female prisoners face significant risk of suicide upon release, being 36 times more likely to commit suicide in the first year post-custody compared to the general female population (Pratt et al., 2006). As with many of the vulnerabilities present in female prisons, the Social Exclusion Unit (2002:192) previously found that there was a ‘lack of adequate provision for the high numbers of women in prison who suffer from mental health problems.’ Although this problem was identified over a decade ago unfortunately this has not been sufficiently addressed with the most recent HM Chief Inspector of Prisons for England and Wales annual report (2012: 68) saying that ‘good mental health provision is much needed in women’s prisons’<sup>35</sup>.

The literature suggests that the problem with mental health services in prison is twofold; firstly, the evaluation of prisoners’ mental health is insufficient, and secondly the actual delivery is disjointed and under resourced. Mental health screening initially takes place at reception, which is very important (Lord Bradley, 2009) however often prisoners are never reassessed. ‘A one-off screening at reception is never likely to provide an exhaustive picture of newly arrived prisoners’ health needs’ (Durcan, 2008: 27) as they are likely be distressed and disorientated upon arrival, and unable to properly discuss

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<sup>35</sup> ‘52% of women felt that they had emotional wellbeing or mental health issues, compared with an average of 29% across male prisons’ (HM Chief Inspector of Prisons, 2012: 68).

problems. Likewise, once assessed, ‘prison health care departments offer only limited support for prisoners’ mental health. Nursing staff with mental health training rarely practice those skills’ (Durcan, 2008: 7) as all nurses ‘regardless of training’ are ‘employed in a generic health care capacity’ (Durcan, 2008: 37). Similarly, risk of self-harm and attempted suicide cannot be sufficiently addressed when women are only incarcerated for short periods. Despite the co-existence of mental health and drug addiction, policy for both are developed separately (Lord Bradley, 2009). The provision of mental health services in prison still needs to be addressed given the high rate of both drug misuse and mental health problems among women serving short sentences, and how this may adversely affect a mother’s ability to care for her children.

Research has revealed that women in prison also have much worse physical health than the general female population and male prisoners (Devlin, 1998). Back pain, asthma, migraines or persistent headaches and epilepsy are often reported (Plugge et al., 2006). According to the Department of Health and HM Prison Service (2001: 5) ‘prisoners should have access to the same range and quality of services appropriate to their needs as are available to the general population through the NHS.’ However, health provision in prison continues to be described as ‘under-resourced and the concept and practice poorly understood’ (Watson et al., 2004: 125). Security in prison is of primary concern, ‘effective healthcare comes second, but if good healthcare is not available to prisoners, they have no alternative’ (Ginn, 2012: 1). In their research Plugge et al., (2006) reported long delays with access to healthcare, the requirement to fill out applications to see medical staff and issues with nurses acting as gatekeepers to doctors. Ironically, those with good physical health prior to their incarceration are likely to see a decline in their health, whereas those with poor physical health, for example drug users, may benefit from the healthcare provisions in prison (Plugge et al., 2006). Since 2006 prison health services in England and Wales have been run by Primary Care Trusts, however it ‘remains a work in progress’ with varying quality (Ginn, 2012: 2). Ginn (2013: 2) also argues that short-term female prisoners are particularly problematic as they need to be provided with medical services in a short space of time including ‘compensatory care’ when their ‘health needs have not been met in the community’.

Another problem that makes incarceration particularly punitive for those serving short sentences is the lack of support for maintaining and accessing accommodation. Despite housing advisers in all women's prisons (HM Prison Service, 2006), 'still no one has responsibility for getting prisoners into stable accommodation on release' (Corston, 2007: 42). According to Stewart (2008), 13% of all short term prisoners are on housing benefits before entering prison, however these benefits are withdrawn for sentenced prisoners who will spend more than 13 weeks in prison (Shelter, 2010). Due to this rule and confusion with the law and housing rights, and a 'reluctance to surrender tenancy' (Prison Service Order 4800, 2008: 30), it is estimated that about one third of short term prisoners lose their homes whilst they are incarcerated (Teague, 2000). HM Chief Inspector of Prisons for England and Wales (2012) recently reported that many women expected to have issues with accommodation upon release and according to the Prison Service Order 4800 (2008) 60% of females leave prison without accommodation. This is particularly likely to be the case for short-term prisoners who do not have enough time to have accommodation arranged for their release. In their research on homeless women Reeve et al., (2006: 64) found that very few returned to existing accommodation, in general 'women very rarely moved from prison into settled accommodation, or even suitable temporary accommodation.' Likewise, according to the Social Exclusion Unit report (2002: 108) the no fixed abode grant is 'likely to discriminate against short-term prisoners' because of the lack of post-custody probation support, which will be discussed later.

Upon release many short-term prisoners are reliant on hostels. However of those accepting women, most exclude those with histories of drug abuse, a common problem amongst women who have served a short sentence. Most hostels also accommodate both genders, which may be particularly inappropriate and unattractive for women who have been victims of violence and abuse, adding further to the punitive consequences of their sentence. According to the NACRO (2014) resettlement finder there are 27 organisations providing housing services for female ex-offenders in London, yet only one hostel states that it is female only. This lack of all-female provision is thought to be partly a result of the problems involved with keeping these hostels running at full capacity because of the distance from women's homes (Gelsthorpe et al., 2007) and the small number of women

returning to the community in comparison to men<sup>36</sup> (Ministry of Justice, 2014g). As such Cooper (2013: 8) reported that ‘women were frequently moved to different counties and, in most instances, were permanently rehoused (or looking to be) in the community where they were relocated.’ This will have long-term consequences for women’s support networks and be especially painful if this prolongs a mother’s separation from her child. The absence of stable accommodation becomes even more problematic for women with dependent children, as this is often needed to regain custody of their children (Hale, 2005; Prison Service Order 4800, 2008). They are often in a “catch 22” situation (Corston, 2007). As such, accommodation post-custody is the number one priority for most female prisoners (Prison Service Order 4800, 2008)<sup>37</sup>. The lack of housing for women exiting prison is particularly counterproductive considering the proven link between unstable accommodation and offending (Corston, 2007; Prison Reform Trust, 2013). This further supports the argument that short sentences can be disproportionately punitive for women.

Many women in prison report needing help with gaining qualifications, 55% in the SPCR sample (Stewart, 2008). Women uninterested in gaining qualifications should be offered courses ‘to learn skills that are also useful for them in the home – particularly when they are single parents’ (Prison Service Order 4800, 2008: 31). Although education in prison can benefit women upon release (Ministry of Justice, 2013f), there has been recent criticism of what education can be offered in prison due to restrictive policy and funding (Rogers et al., 2014). A recent inspection of Holloway (HM Chief Inspector of Prisons, 2013b: 17) reported that

the process for allocating prisoners to learning and skills and work activities was disorganised and participation rates in education, training and work places were very poor. Overall attendance at education classes was low and the majority of classes were not fully occupied; they also started late and finished early.

These problems are particularly acute for women in prison for short periods who face several barriers to prison education and employment. There are ‘no formal national

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36 6,547 out of 78,748 prisoners discharged from determinate and indeterminate sentences in 2013 were female.

37 In comparison male prisoners primary concern upon release is finding employment (HM Prison Service, 2008). This may be their foremost concern because they are not fathers, or primary caregivers. Similarly if they are fathers their children are more likely than female offenders children, to have stayed with female guardians in the family home, which has not been lost in their absence (SEU, 2002).



guidelines' to meet their learning and skills needs, organisations within prisons work in 'silos with little or no communication between them to ensure a coherent framework' and requirements to detoxify and work and learning waiting lists as result of limited spaces are not conducive for those on short sentences (Ofsted, 2009: 9). Short term prisoners are also unlikely to be able to take advantage of the 'grants provided through the Prisoners Education Trust to offenders in custody to complete a distance learning course or to purchase learning materials' which the Ministry of Justice (2013d: 1) has recently reported reduces re-offending rates. Similarly, despite the importance of education, fewer than one in ten prisoners exited a local female prison in 2011/12 with education and training places in the community (Ministry of Justice, 2013f).

There is also a high level of women in prison wanting help with finding employment, 57% in the SPCR sample (Stewart, 2008). The link between unemployment and reoffending is well documented in the literature, with '58% of women offenders...identified unemployment and lack of skills as issues contributing to their offending' (Cabinet Office Social Exclusion Task Force, 2009: 11). Gaining employment skills whilst in custody will benefit offenders when they are released (Ministry of Justice, 2013f: 42). In Hamlyn and Lewis's (2000) research the women reported a wide range of benefits associated with securing prison employment, over half said it helped them to work with others, to take more responsibility, and to learn to work regular hours, and many said it helped them learn to take instructions. Yet with a prison record and a period of time away from work, ex-prisoners are likely to find it more difficult to find legitimate work upon release (HM Chief Inspector of Prisons, 2012), and according to the Ministry of Justice (2013f) fewer than one in ten of prisoners leaving local female prisons in 2011/12 entered employment. Offenders are part of the 'core jobless group' whom 'more than 60% of employers deliberately exclude when recruiting' (The Sainsbury Centre for Mental Health, 2007: 3). If prisoners are excluded from work because of the offender label, they may conform to this stereotype and turn to illegal methods to earn money (Becker, 1963). This will particularly affect short-term prisoners who are unlikely to have gained significant work experience and links with employers whilst in custody. Hamlyn and Lewis (2000) found that most of the released females in their research who successfully secured employment, did so through family or friends, or returned to previous employment. This suggests that

new employment skills are not being acquired in prison, which has significant implications for their ability to avoid or resolve financial problems.

Despite the prevalence of financial difficulties in female prisoners' lives, these again do not appear to be addressed by the prison authorities. Lawlor et al., (2008) found that 33% of women's debt-related problems were worsened by prison, as pre-existing debts were exacerbated by an absence of a living wage for prison work (BBC News Magazine, 2008). 'The current practice of piling on multiple debts can create an untenable situation for parents released from prison and has the unintended consequences of pushing people back to a life of crime' (Levingston and Turetsky, 2007: 188). Unemployment also leaves these women dependent on state benefits<sup>38</sup>, which post-custody assessment will often delay (Social Exclusion Unit, 2002). Those who are able to find employment are normally given low wage or temporary positions (Brown and Bloom, 2009; Levingston and Turetsky, 2007). Hopwood Road (2007: 2) also highlights how the discharge grant of £46.75 has remained unchanged since 1997 and 'evidence suggests that this amount is insufficient to last for a week, let alone the 11 to 18 days in which benefit claims are supposed to be processed.' Given the high level of vulnerabilities that women bring into the prison and the problems created as a result of short sentences 'it seems that for many women prison serves little purpose except to disrupt sometimes already chaotic lives' (Ginn, 2013: 2).

#### 2.3.2.2 Unsupported Upon Release

Another factor that has contributed to the high reoffending rate of short-term prisoners is the fact that until recently they were not supported upon release by probation<sup>39</sup>. As a consequence of their particular needs, it is suggested that this group would benefit from support in the community, but not necessarily as a requirement post-custody. Previously the National Offender Management Service (NOMs) relied upon other public bodies to help this group with problems upon release (National Audit Office, 2010). However there was often insufficient time to create these community links before they finished their sentence (Burke et al., 2006), and they were 'inconsistently commissioned and remain

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<sup>38</sup> Another bureaucratic problem is that 'women have particular difficulty re-establishing Child Benefit claims on release and this can impact negatively on the award of dependants' allowances on other benefits such as Income Support or Jobseeker's Allowance' (Social Exclusion Unit, 2002: 110).

<sup>39</sup> As already discussed this lack of post-custody supervision affects the no fixed abode grant.

isolated examples of good practice that do not meet the needs of all offenders' (Lord Bradley, 2009: 113). Burke et al., (2006) highlight the fact that drug treatment for offenders after they are released is made more complicated by the number of different agencies involved. This was even more problematic for short-term prisoners who did not have probation directing them to the appropriate range of services. The lack of community supervision also meant that there was little information gathered about them post-custody (HM Prison Service, 2002).

However, the way in which short-term prisoners are dealt with has undergone change. Under the recent Transforming Rehabilitation reforms 'those serving under 12 months sentences will, for the first time in recent decades, be subject to statutory supervision and all offenders will be subject to a licence period (or a combination of licence and supervision) of at least 12 months in the community' (Ministry of Justice, 2013c: 20). This has now been enacted under the Offender Rehabilitation Act (2014) and due to the high number of women serving short sentences could significantly affect a large number of women in prison. However the proposals have been criticised for being designed for men:

funding arrangements for provision for women appear to be being shoehorned into the payment by results programme, resulting in the likelihood of a loss of funding for broader provision encompassing both women offenders and those with particular vulnerabilities that put them at risk of offending (House of Commons Justice Committee, 2013: 56).

As they are low-risk offenders, rather than being supervised by probation, they will be supervised by private and voluntary sector organisations that will bid for payment by results contracts (Ministry of Justice, 2013h). The proposals can be criticised for other reasons. The Ministry of Justice (2013k) argues that many serving short sentences are prolific offenders with more than 10 community sentences, however nearly half of women serving short sentences do not fall into this group<sup>40</sup>, indeed as previously argued 15% have no previous convictions or cautions (Ministry of Justice, 2013g). Therefore it is suggested that up to 12 months supervision after a short prison sentence is possibly excessive and disproportionate for women with limited criminal histories. Although supervision in the community can be beneficial for those leaving prison, additional post-custody monitoring

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<sup>40</sup> 48% of women serving less than 12 months on 30th June 2012 had less than 10 previous convictions or cautions (Ministry of Justice, 2013g).

is not the only solution for many non-violent, low-level female offenders, particularly those with limited criminal histories. Most could initially be dealt with in the community without the requirement of prison.

Indeed, similar criticisms of the non-implemented Custody Plus sentence (Criminal Justice Act, 2003: s181 and 182) could be applied to the new proposals. Custody Plus was intended to provide a 'seamless' punishment (Halliday, 2001: 24) which splits the short prison sentence into two parts, a custodial period, of at least two weeks but less than 13 weeks, and a license period of at least 26 weeks. Despite the benefits of providing punishment through imprisonment and rehabilitation through a community sentence; there were those that predicted its failure. Sentencers may have been attracted to Custody Plus's short shock of a prison sentence and a lengthier community sentence resulting in net-widening as they would opt for the "double value" of Custody Plus', especially for those on the cusp of custody (Player, 2005: 429). Maguire and Raynor (2006) highlighted that the increase of community supervision would stretch the probation services' resources too far, placing 'an intolerable burden' on them (Corston, 2007: 53). Community supervision may also have resulted in a number of women breaching requirements, further increasing the likelihood of prison recalls. 'It was feared that this additional "churn" in local prisons' as a result of the increase of women being sent, and being recalled, to prison 'would increase distress and put more lives in danger' (Corston, 2007: 53). Due to 'the need to prioritise prison and probation resources on more serious offenders' (House of Commons Justice Committee, 2008: 38) Custody Plus was not implemented.

It is suggested that like Custody Plus the new proposals for short sentences may increase their attractiveness to sentencers who may use them for women who previously would have received a non-custodial sentence. Sentencers with rehabilitative ambitions may demonstrate a degree of restraint for those currently on the cusp of imprisonment, however if short sentences are seen as providing a constructive approach to dealing with vulnerable offenders it may become a more appealing option.

The risk of sentencers using short prison sentences as a gateway to support undermines the post-Corston direction of travel in reducing the use of custody for women, and does nothing to mitigate the detrimental impact of

short sentences on women, their families and the likelihood of reducing re-offending (House of Commons Justice Committee, 2013: 143).

The new proposals have also done little to address the other main problem with short sentences. It is not just the lack of support upon release that makes them problematic, it is the collateral harms associated with prison. Apart from the suggestion of resettlement prison and prison hubs, which will be discussed later (Robinson, 2013), there have been limited proposals to address the fact that as a result of prison many women lose contact with their children, their homes and jobs, many have their benefits stopped or they accrue debts, and for many their mental health is affected. It is also suggested that like Custody Plus, compulsory community supervision of short sentenced prisoners may widen the net of women returning to prison. This is due to both budget restraints resulting in women not receiving the necessary support from community and voluntary organisations and potential breaches during the new monitoring period. For example, recently the Justice Minister announced that if short-term prisoners breach the new supervision orders in the community they will be returned to prison for up to two weeks (Ministry of Justice, 2014k). This is in contrast to the Offender Rehabilitation Act (2014), which specifically states that this period in the community is for rehabilitation purposes, not deterrence. This could have significant implications for an already crowded prison system.

### *2.3.3 Additional Punishment*

Whilst prisoners are incarcerated they are punished through the deprivation of their liberty, and although this is a problem that all prisoners must address it is suggested that those serving short terms suffer unintended harms that make the punitive impact of the sentence disproportionate to the severity of the initial offence. Through the previously discussed inability of short terms of imprisonment to deal with the different vulnerabilities in women's lives and the consequences of this temporary loss of liberty, many face on-going punishments upon release. However there is other collateral damage as a result of the delivery of short sentences. There are structural features within the system that disadvantage women, being triggered by their minority status and affecting their service provision and the distance they are held from home. The additional punishment is also triggered by their role as mothers and issues with overcrowding.

The literature suggests that women are often seen as ‘doubly deviant’ and therefore punished twice by the criminal justice system; initially for breaking the law and then for breaking traditional gender roles (Carlen, 2002). Devlin (1998: 221) also argues that ‘women prisoners are generally recognised as being subject to closer surveillance than men prisoners’. This punishment affects those serving all sentence lengths, however those serving short sentences must deal with this whilst struggling with other vulnerabilities that are often unsupported in a short space of time. Women make up a small percentage of the offending population, for example in 2012/13 they accounted for 15% of all arrests<sup>41</sup> (Home Office, 2014), they also commit considerably fewer serious crimes and are considered to pose less risk of harm than males (Ash, 2003; HM Prison Service, 2004). As such they are consistently a minority population in prison, just 4.6% on Friday 25<sup>th</sup> April 2014 (Ministry of Justice, 2014j). However, their minority status has implications for their treatment and produces the suggestion that prison punishes them more than their male counterparts (Corston, 2007). Those who are imprisoned will always be compared to and dealt with alongside males. Many believe that ‘in order to meet their needs, provision for women can be adapted from that already available for men’ (De Cou, 2002: 111). This is not the case, and it is suggested a male prison system does not adequately consider the needs of women. ‘These powerful dominant institutional arrangements must not continue to limit imaginative and different drivers for change’ (Corston, 2007: 24). According to Hedderman (2012: 13) ‘the evidence is that women are losing out in the current, supposedly gender neutral, sentencing environment in England and Wales.’

Yet there appears to be no significant change in the way that women are treated by the criminal justice system, specifically whilst in prison. According to Corston (2007) although the importance of gender equality is slowly becoming recognised, it does not mean treating both genders the same. Instead it is about understanding the difference between the two and providing a fair and just system in light of that recognition. ‘The duty implies that men and women should be treated in ways that facilitate equal autonomy, equal access to justice, equal protection from criminal harms, and equal rights and responsibilities’ (Player, 2012: 265). Women and men have different pathways into crime, women’s aetiology of crime is ‘based on survival of abuse, poverty, and substance abuse’

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41 161,920 females were arrested compared to 910,148 males.

(Bloom et al., 2004: 34). This offending is also often interlinked with relationships with significant others (Covington, 2002). The specific vulnerabilities of women, as already outlined, is another example of this difference, and the courts should acknowledge the different problems and needs, with punishments reflecting this. Various bodies, including the Sentencing Guidelines Council, have given guidance on equality in sentencing, however it is still unclear as to what is meant by differential treatment. Although the Government accepts that different treatment is appropriate there has been no clear guidance on the criteria that should guide decisions; 'whilst women have some different needs to men, the Government believes that there should be one justice system for all offenders who commit crimes' (Ministry of Justice, 2013c: 5). However, the equality duty states that public bodies should not treat men and women the same, they are required to 'think about people's different needs and how these can be met' (NOMS Women and Equalities Group, 2012). Likewise, according to the House of Commons Justice Committee (2013: 10):

It is not permissible for women offenders to be dealt with in the same way as men within a criminal justice system designed for the majority of offenders. This is not about treating women more favourably or implying that they are less culpable. Rather it is about recognising that women face very different hurdles from men in their journey towards a law abiding life, responding appropriately to the kinds of problems that women in the criminal justice system bring into it, and taking the requisite action to be effective in addressing their offending behaviour.

Without this acknowledgement women will always be disproportionately punished by incarceration, even if it is for a short period. This has been responded to in the recent Offender Rehabilitation Act (2014), which requires the Secretary of State for Justice to ensure that in line with the equality duty all supervision and rehabilitation of women identifies their particular needs. Previously Corston (2007) criticised the Government for not having somebody responsible for female offenders. However this has now changed with the creation in 2012 of the role of a Parliamentary Under Secretary of State for Justice, Women and Equalities. Yet according to the House of Commons Justice Committee (2013) there has been little observed benefits of this new leadership.

As a result of the small female prison population, there are now only 12 female prisons in England and Wales, as HMP Downview has been re-rolled. However it has recently been proposed that HMP Askham Grange and East Sutton Park should also be closed, which would further reduce the number of female prisons<sup>42</sup>. Within this estate there are also currently seven Mother and Baby Units (MBUs) (Women in Prison, 2013), however the proposals to close Askham Grange and the MBU unit at Holloway will reduce the number of spaces available (Robinson, 2013). Unlike male prisons where there are four security categories, there are only two types of female prisons, open and closed (Women in Prison, 2013). ‘There has been a trend in recent years for women’s prisons to become fewer, larger and more complex’ (Women in Prison, 2013: 12). With the recent proposal to make all female prisons resettlement prisons (Robinson, 2013) there will be more flexibility over how the estate can be used; women will be placed where they need to be resettled rather than penal criteria. However, there will still be an issue with the number of prisons that need to be spread across the whole prison estate and the fact some are geographically better served than others. This is an issue for all women in prison; it is not confined to the short-term population.

This uneven geographical spread of female prisons is widely documented (Devlin, 1998; Hale, 2005; Prison Reform Trust, 2013; Social Exclusion Unit, 2002), for example, there are none in Wales. The limited number of women’s prisons means women are often held further from home than male prisoners, 60 miles on average (Women in Prison, 2013). This has far-reaching implications that contribute to the claim that imprisonment is particularly punitive for women. For example, it ‘results in longer journeys to the allocated prison from court or on transfer’ (HM Chief Inspector of Prisons, 2012: 64). According to Devlin (1998: 75) ‘the term ‘dislocation’ was coined by the criminologist Dr Sylvia Casale to describe both physical and psychological distance from home’ that is experienced by many female prisoners. According to Gelsthorpe, et al., (2007) and the Social Exclusion Unit (2002) the problem of distance from their homes also affects the opportunities for women to work with voluntary groups from their community and to reintegrate back into society upon release. It also negatively affects their ability to acquire

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<sup>42</sup> HMP Bronzefield, Drake Hale, Eastwood Park, Foston Hall, Holloway, Low Newton, New Hall, Peterborough, Send and Styal. There are proposals to refurbish Eastwood Park and Foston Hall, and increase the capacity at Drake Hall.



temporary release<sup>43</sup>, as they may not be able to travel home and back to prison in the allocated timeframe (Social Exclusion Unit, 2002).

This geographical spread results in long journeys for families to attend visits (HM Chief Inspector of Prisons, 2012) and many families struggle with traveling arrangements. Long travelling times (Arditti, 2008; Bloom and Steinhart, 1993; Myers et al., 1999), particularly if families have to travel by public transport (Light and Campbell, 2007), are created by the small number of female prisons in England and Wales. Prisoner's families on low income may receive help with travelling costs but they must initially pay before becoming eligible to make a claim and recover their costs.

Many prisoners' families are living on the edge of poverty, and it might be quite impossible for them to find upfront large sums of money needed for public transport. If they are just outside the eligibility bands, as many surely must be, the costs can be prohibitive (Devlin, 1998: 77).

As such remanded and sentenced female prisoners tend to receive fewer visits than male prisoners (Prison Service Order 4800, 2008; Social Exclusion Unit, 2002), and therefore do not access the same degree of familial support, resulting in greater isolation, or 'social dislocation' (HM Inspectorate of Prisons, 2000: 21), during their imprisonment. Distance is often cited as the reason why mothers do not have visits from their children (Caddle and Crisp, 1997; Wear Simmons, 2000). This is another additional punishment that is borne by women prisoners and is problematic because of the benefits of visits for the mother and child's relationship and the mother's reintegration (Hanlon et al., 2007; Hoffmann et al., 2010; Johnston, 1995c; Poehlmann, 2005c). Many studies have also shown that strong links in the community can help to reduce reintegration problems and reoffending rates once prisoners are released (Rex, 2001; Social Exclusion Unit, 2002). In the SPCR sample 'women (51%) were more likely than men (39%) to say that getting support from their family would help them stop reoffending' (Williams et al., 2012: 21). Although women may have fractured family backgrounds, placing them long distances may further inhibit

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43 'Under certain conditions sentenced prisoners can be allowed temporary release from prison typically for a working day or a weekend. Possible reasons include: funerals and hospital visits; maintaining family connections; employment or education; and job or housing interviews. The Governor makes the decision, following a thorough risk assessment. Each licence is issued individually and states the conditions that a prisoner must abide by during their time outside prison. Failure to return to custody within the time set by the licence is a criminal offence' (SEU, 2002:35).

the potential for this support during and post-custody, which may affect their process of resettlement and subsequent risk of re-offending. Therefore it is reported that although HMP Holloway is one of the highest security establishments in the female estate, many women ask to be placed there, because of the good transport links (Devlin, 1998) compared to other more remote prisons<sup>44</sup>.

This problem with the distance female prisoners are held has been recently addressed. Under the new Transforming Rehabilitation proposals all female prisons will be resettlement prisons, where there will be opportunities to work with providers of community support whilst they are incarcerated. The Government has also recently announced that it wants female prisoners to serve their sentences closer to home, in strategic prison hubs ‘enabl(ing) most women to remain in their closest prison throughout their sentence’ (Robinson, 2013: 3). However, given the reduction in the number of female prisons this will still be problematic if the women are located far away from these community organisations. These suggestions are very far away from Corston’s (2007: 5) recommendation of replacing the current prison system with ‘geographically dispersed, small, multi-functional custodial centres’.

The distance women are held for short periods also disproportionately punishes them because many are primary caregivers to children, for example, ‘53% of women in our surveys had children under the age of 18’ (HM Chief Inspector of Prisons, 2012: 71). The most recent estimate of the number of children who are separated from their mothers through imprisonment each year is 17,240 (The Howard League for Penal Reform, 2011), however the number of children to experience parental imprisonment throughout their childhood is unknown (Murray and Farrington, 2008a). Many of these children are under 18 months, however, in 2012 there were only 82 spaces<sup>45</sup> on the MBUs, with 46 being used (Women in Prison, 2013), therefore many mothers, especially those on remand (Devlin, 1998) do not have their infants with them in prison. For any mother separated from an infant, this time ‘may represent a significant period of early development and the impact of separation can be detrimental’ (Ash, 2003: 5). Due to many of the women being

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44 According to Women in Prison (2013) at HMP Holloway the average distance from home address is only 29 miles.

45 With the closure of HMP Askham Grange and the MBU at HMP Holloway this number will be reduced.

single mothers, their children will often require new caregivers and need to move home during their mothers absence (Sentencing Advisory Panel, 2010).

Previously it was argued that having dependant children might allow a sentence to fall below the custody threshold. For women who are incarcerated the additional punishment is connected to their role as a mother, they ‘carry the burden of a criminal conviction and the violation of societal norms about what good women and mothers are supposed to be’ (Snyder, 2009: 38). Corston (2007: 16) highlighted how vital children and homes are to women’s identities, ‘to take this away from them when it may be all that they have causes huge damage to women’. By imprisoning them, their parental rights are decreased, and it inhibits ‘their participation in decisions regarding their children. Loss of parental rights signifies a loss of role functioning and leads to a loss of self-esteem and despair’ (Valentine, 2000: 19). This stigmatisation (Goffman, 1963) may continue post-custody and women must deal with this on-going guilt. ‘Release back into the community will not be the end of mothers’ concerns and needs. The transition to life in the community and with their children has many pressures for women’ (Snyder, 2009: 43). These pressures will particularly affect those serving short sentences, as the short time in prison will often not provide the assistance that could help reintegration post-custody. However there is little information about the impact that this temporary loss of liberty has upon these women and their families over a longer period of time once they return to the community.

A final feature that adds to the additional punishment of all prisoners, and therefore many women serving short terms of imprisonment on sentence or remand, is overcrowding. As previously mentioned there has been rising imprisonment levels, and the prison population has increased on average 3.6% each year between 1993 and 2011, when it began to decline (Berman and Dar, 2013). This is also the case for the female population, between 1995 and 2010 the female prison population increased by 116%<sup>46</sup> (Prison Reform Trust, 2013). This was a result of changes in sentencing practice rather than an increase in offending (Hedderman, 2004) as contrary to public perceptions official crime levels have been decreasing since 1995 (Duffy et al., 2008), and are at an all time low (Travis, 2013).

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<sup>46</sup> In 1995 the mid-year female prison population was 1,979 and in 2010 it was 4,267 representing a 115.61% increase. Likewise, the total population has increased from 44,246 on 30th June 1993 to 86,048 on 30th June 2012 (Ministry of Justice, 2013j).

As a result of the high prison population the prison system has been overcrowded every year since 1994 (Home Office, 1999; Light et al., 2012) and this continues to be the case despite the slight decrease in the prison population over the past few years. In 2013 the total prison estate was operating at 8% over the Certified Normal Accommodation level (Ministry of Justice, 2013e).

Prison overcrowding affects many aspects of the prison service, one of which is the distance which women are held from their families (Player, 2005). In order to deal with overcrowding, prisoners, specifically short-term prisoners, are often moved at very short notice (Hale, 2005; Lewis et al., 2003; National Audit Office, 2010). Given that so many women in prison are serving short terms, it is likely that many will be moved even further away from their support networks, adversely affecting their visits. Hale (2005: 7) argues that this movement ‘gravely disrupts any treatment and education programmes within the prison (if they are fortunate enough to receive any) thus hampering the rehabilitative effort’. Arguably this disruption is likely to affect the women’s mental health and therefore have unintended, but avoidable consequences. The Criminal Justice Alliance (2012) reported that as a result of overcrowding women serving short terms are particularly vulnerable to transfers very close to their release date, which results in problems with their paperwork upon release. There are several other consequences of overcrowding; outdated buildings, doubling in cells and stretching the prison budget (Mills et al., 2010; Social Exclusion Unit, 2002). ‘Budget pressures are now so intense that some prisons are being told...that they should aim ‘for the bronze, rather than the gold standard’’ (Mills et al., 2010: 23). According to The Criminal Justice Alliance (2012: 12) ‘when levels of overcrowding and churn are higher, short sentenced prisoners end up further down the list of priorities; in effect their sentence becomes short term warehousing.’ Given the short time available for short-term prisoners to make positive changes, this significantly impacts their rehabilitation and has consequences for the likelihood of re-offending (Hedderman, 2008; Mills et al., 2010).

Both women on remand and serving short sentences experience similar problems, with their high level of vulnerability and inability to access the range of programmes available within the prison. However there are problems unique to each group. For example, those

on remand must deal with the ‘institutionalized uncertainty’, not knowing how long they will be in prison for and when they can continue with their lives (Ward and Kassebaum, 2009: 19). Player (2007: 402) suggests that ‘the imprisonment of these women raises specific issues about the legitimacy of their detention that do not apply to the sentenced population.’ The literature also demonstrates how those on remand are held in inferior prison conditions and face barriers to trial preparation.

Despite the fact that those on remand ‘have rights and entitlements not available to sentenced prisoners’ (HM Inspectorate of Prisons, 2012: 7) ‘prison conditions for women on remand are grossly inferior to those’ who are sentenced (Edgar, 2004: 19). Likewise, Hale (2005: 6) said that this group

are likely to experience inadequate support in the early days of custody, an absence of drug treatment at the time of most urgent need, inadequate time out of their cells, too little purposeful activity, and the denial of opportunities to maintain contact with families.

Similarly, previously HM Chief Inspectorate of Prisons (2000) reported that very few remand prisoners were granted access to the entitled legal reference books upon request, and that most prisoners were unaware of this right. Similarly nearly two thirds of women surveyed reported problems telephoning their solicitor. Unfortunately, recently HM Inspectorate of Prisons (2012) found that 63% of the 161 female remand prisoners in their sample said it was not easy/not very easy to communicate with their solicitor or legal representative. This indicates that many remanded women continue to be hindered from their right to a fair trial by the prevention of legal assistance as well as adequate time and facilities to prepare the defence as laid out in Article 6 of the Human Rights Act (1998).

## **2.4 Conclusion**

What has been highlighted in this chapter is how many non-violent and non-criminally prolific women are unnecessarily affected by short terms of imprisonment, whether this is on remand or sentence. Although the core requirement of sentencing is proportionality, the impact and therefore the severity of the punishment is unique to the individual, particularly when they have minority status. The literature catalogues a series of unintended punishments as a result of imprisonment, yet little is done to alleviate these

harms. It appears that the courts see women's vulnerabilities at best as mitigating factors rather than being central to how prison is experienced. This may be acceptable when considering more trivial harms, however when a mother is separated from her children, loses her home, or develops mental health problems; this needs to be addressed by the criminal justice system. It has been argued that many pre-existing problems are worsened through short terms of imprisonment, and as such more needs to be done to minimise the collateral damage to these women. These morally significant harms are not proportionate to the offences committed by these women, and they appear to be distributed in an arbitrary fashion, there is no logic in how they are distributed, they are unregulated.

These unintended punishments are not unavoidable; many women do not need to receive short prison sentences, and those that do, need to be dealt with more efficiently in order to address their needs before they are released. Given the morally significant nature of these harms, a more integrated approach by the Government is required. While successive governments have acknowledged the importance of joined up thinking it is not always evident in practice. Arguably it is an approach that requires government departments to avoid, wherever possible, public policies that directly conflict with one another: what is being done in one area should not be working to the detriment of policies in another.

A key aspect which has been highlighted in this chapter is that research is significantly lacking on the impact of short terms of imprisonment on mothers in this country, and as such these vulnerable women's experiences continue to be not fully understood. In order to examine in greater depth the extent to which short-terms of imprisonment affect mothers during and post-custody in England and Wales, a greater understanding of their experiences is essential. This study will attempt to fill this gap, exploring how the unintended harms on these women are often substantial and why they should be relevant considerations when sentencing. In order to develop a greater understanding of the experiences and needs of mothers in prison for the first short term, semi-structured interviews will be carried out with a sample of these women. These interviews will explore how the problems in their lives are created or affected by their custodial experience, and how these continue to play a significant role post-custody.

## **Chapter Three: Methodology**

### **3.1 Introduction**

This chapter explores the trials and tribulations of conducting empirical research within the criminal justice system. The literature review had identified a lack of information about the longevity of the harms of short-terms of imprisonment, particularly on mothers and their children. Therefore the intention of the present research was to explore the long-term impact on mothers imprisoned for a first short period either on remand or sentence. Ethical approval for the study (SSHL/10/11-16) was gained from the Social Sciences, Humanities & Law High Risk Sub Committee at King's College London in April 2011. The following chapter will describe the research that was conducted with 16 mothers who were interviewed on at least one occasion after their release. They were asked about the impact of their period of incarceration on multiple aspects of their own as well as their children's lives.

This chapter will begin by discussing the initial research proposal and how, due to problems with access, the research had to be rethought. The use of grounded theory and semi-structured interviews will then be explored, looking at the advantages and disadvantages of these types of interviews in order to justify their use. The different interview stages will then be examined, as the majority of the women were interviewed on more than one occasion. The variety of ethical issues that have been considered will also be explored before the validity of the research is described. The importance of follow up interviews will also be discussed before the analysis of the interviews using a series of codes in NVivo will be examined before conclusions are made about the originality of this research.

### **3.2 Research Design**

#### *3.2.1 Initial Research Proposal*

It was the original intention to conduct 30 semi-structured initial interviews with mothers serving their first short prison sentence. They were to be asked about their offence, issues that arose in their children's and their own lives as a result of their sentence, how problems were dealt with in prison, and anticipated consequences upon release. It was

then the intention to conduct follow up interviews with as many of these women as possible soon after their release. It was assumed that these second interviews would prove problematic as many of the mothers would either be unreachable upon release, or may no longer want to participate. Given the fact there was a £5 voucher incentive to take part in the community<sup>47</sup> it was therefore thought that 15 follow up interviews would be an achievable target. These second interviews would provide a deeper exploration of some of the issues the women had encountered in prison and explore whether they were able to overcome the anticipated problems discussed in the previous interview and whether other unexpected issues arose post-custody. A third and final interview would then be scheduled six months after the women's release to discover whether prison had longer-term consequences. It was anticipated that most of the participants would be unreachable at this point, as such a target of five final interviews was set. Ideally 50 interviews would have been conducted in total if all went to plan. This is how the research would have been carried out, however the vagaries of the real world have required the development of different methods of access.

### *3.2.2 Rethinking Access*

“You know there is an easier way to get into prison”<sup>48</sup>.

Methodology textbooks rarely describe the difficulties a researcher can face gaining access to participants. They set out the most appropriate ways of doing research, but often do not provide advice on what to do when things do not go to plan. Obtaining access to mothers in prison for the first short time proved challenging from the outset, and although it was never assumed access would be granted straight away, the difficulty was underestimated. A series of obstacles required a rethink about how access could be sought in order to hear the voices of these vulnerable women.

In December 2010 introductory letters enquiring about possible prison access were sent to two female prisons in England and Wales. Unfortunately, no response was received from one, and the second prison denied access because of current cutbacks and staff shortages.

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<sup>47</sup> The ethical concerns about providing financial incentives will be discussed on page 76.

<sup>48</sup> A comment made by several people working within the criminal justice system.



Secondly, contact was made in January 2011 with several organisations working with female offenders in London, Cambridgeshire and Hampshire enquiring whether they would provide access to their clients. Good links were made with some of the organisations working in the community, specifically Women in Prison, Hibiscus, Women's Wisdom and the Dawn Project, all of which facilitated introductions to mothers who had recently been released from short periods of imprisonment, 10 of whom participated in the research.

Thirdly in April 2011 a formal application was made to the National Offender Management Service using the Integrated Research Application System. Unfortunately, this was rejected for three reasons. Firstly, researchers were only allowed prison access for four days unless they undergo more in-depth and costly security clearance. Secondly, as keys would not be granted an escort would be required which limited staff resources could not provide. Lastly, because of the transient nature of those serving short sentences, appropriate women would have to be identified on the day of the research, again taking up too much staff time. Consideration was given to these issues and ways were constructed to overcome the objections. Firstly, the interview questions were condensed to enable the interviews to be completed within 30 minutes, thereby reducing the period of access required. Education departments were identified as a good location from which the researcher could recruit and interview even those serving the shortest of terms without encroaching upon staff time to identify suitable women. A single location would also limit the need for a staff escort for the researcher to the beginning and the end of each day.

In July 2011 contact was also made with a teacher working in a female prison who spoke to the Head of Learning and Skills and the Head of Education to facilitate the research in their department. Consequently access was granted in December 2011, and 10 women<sup>49</sup> were interviewed in prison<sup>50</sup>.

Although access was very difficult, positives have emerged from the requirement to adapt. Lessons can be learnt for future research and potential hurdles can be predicted. For

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49 Five of these women were eventually removed from the sample as they were not contactable post-custody, this will be discussed in more detail on pages 71, 73-74 and 79.

50 The establishment has requested that they are not named.

example, delays to access should be anticipated and therefore researchers should allow more time at the beginning of a project. Likewise, rather than attempting to get prison access and allowing this to significantly delay the research, researchers should deliberate upon alternative approaches to the research question, for example consider working with community organisations with which released prisoners are engaging. This research has required flexibility and accommodation, seeking alternative avenues to gain access to mothers who have experienced short periods of custody for the first time. Efforts were eventually rewarded and their voices were heard and experiences exposed, enabling some insight into the impact that imprisonment has on these women and their children.

### **3.3 Semi-Structured Interviews**

In order to examine the longevity of harms caused to mothers and their children as a result of short terms of imprisonment, a methodology was required that enabled their responses to be explored fully. As little is known about this group of mothers the application of grounded theory, which is ‘the discovery of theory from data systematically obtained from social research’ (Glaser and Strauss, 2008: 1), was deemed appropriate. However, a modified version of grounded theory was required given that the researcher is inextricably intertwined and part of the research (Alvesson and Sköldberg, 2000): the researcher formulates the initial field of inquiry, the interview questions, the prompts; she asks the questions, and then interprets the responses. This was found in Charmaz’s (2006: 10) position of grounded theory where it is argued that:

we construct our grounded theories through our past and present involvements and interactions with people...any theoretical rendering offers an interpretive portrayal of the studied world, not an exact picture of it.

The research problem dictated which method of data collection to use, and the resources available also dictated a small sample. The desired outcome of the research was to provide an in-depth analysis of the long-term impact of imprisonment on a number of mothers, by looking at their individual needs and experiences and the complex ways in which their and their children’s lives, were variously affected after their release. It is suggested that the flexibility provided by the combination of grounded theory and semi-structured interviews allows for the deepest explorations of this under-researched group.

### 3.3.1 Advantages

‘If participant observation means "walk a mile in my shoes," in-depth interviewing means "walk a mile in my head." New worlds are opened up to the interviewer on these journeys’ (Patton, 2002: 416-417).

#### 3.3.1.1 Elaboration

The interviews set out to discover the mothers’ perceptions of different aspects of their lives prior to incarceration, and how a short period in prison affected their own and their children’s lives. The intention was to explore their feelings and the reasons behind their responses, as well as elicit an account of the events they had experienced. According to Rubin and Rubin (1995: 1) ‘qualitative interviewing is a way of finding out what others feel and think about their worlds’, it ‘allow us to enter into other person’s perspective’ (Patton, 2002: 341). Many academics have discussed the use of interviews in research, often from a critical stance, however it is felt that only interviews could provide the forum in which these marginalised and often vulnerable women could describe in their own words the long-term impact of custody. Patton (2002: 340-341) suggests that ‘we interview people to find out from them those things which we cannot directly observe... We cannot observe feelings, thoughts and intentions. We cannot observe behaviors that took place at some previous point in time.’ Given the fact that many of these women are not engaging with statutory services and that until recently they were not supervised upon release, the consequential harms of custody tend to remain hidden from official scrutiny and contained within the private domain of the family. However, interviews were not used just because the issues in these women’s lives are difficult to observe, interviews were used because they allow participants to explain their feelings and, if carried out correctly, they allow the unheard to be heard and the unseen to be seen. However the role of the interviewer is not to sit, ask questions and judge whether responses are appropriate or not. Kvale and Brinkmann (2009: 2) suggest that ‘an interview is literally an *inter view*; an inter-change of views between two persons conversing about a theme of mutual interest.’

It is the interactive nature of the interview that allows us to ask for clarification, to notice what questions the subject formulates about her own life, to go behind conventional, expected answers to the woman’s personal construction of her own experience. This shift of focus from data gathering

to interactive process affects what the researcher regards as valuable information (Anderson and Jack, 1998: 169).

For the purpose of the present research, semi-structured interviews appeared to be the most appropriate method to obtain the richest empirical data. They involve a flexible style of interview where there are a list of topics and questions on an interview guide as a framework to be discussed (Patton, 2002) but the order can be modified based on the responses of the participants. Rather than the researcher holding all the power, the interviewee predominately dictates the interview; they shape the direction of the conversation, with the researcher ensures key topics from the guide are discussed at some point. Yin (2010: 137) suggests that ‘the researcher sets the boundaries for the conversation but nevertheless permit the participant to color it—as well as giving the participant an opportunity to move outside of the boundaries when needed’. Likewise, with this style of interviewing the researcher is given flexibility to find the most appropriate way in which to conduct the interview (Patton, 2002). This was felt to be particularly important in this research as the women’s experiences prior to, during and post-custody meant that different styles were required as the women were not one homogenous group, but came into each interview with their own experiences.

One of the main advantages of this method of interviewing ‘is the opportunity it gives the interviewer to explore the reasons for a person’s responses. Questions which were not understood can be rephrased, and reluctant or anxious respondents can be helped by being given encouragement’ (Keats, 2000: 4). This active participation was very important in this research, sometimes participants would provide an initial response, but when probed further would offer a deeper insight into their thinking. A good example of this came when Steph (7 Months Post Prison) was interviewed for the first time:

Interviewer:	How was your physical health before you went in?
Steph:	I was okay
Interviewer:	Has there been any impact?
Steph:	No

If the topic had been left at this point it would have been concluded that her health had been unaffected by prison. However a follow-up question asked whether she thought she

would have been able to see a nurse in prison if she had been ill. This shift in focus provided a different picture, as she described how she had been left to miscarry alone in her cell without any intervention or medical assistance. Her response was quite surprising; at the time the researcher was confused as to why she had initially said her health had been unaffected, given that she blamed the prison environment for her miscarriage. However, upon reflection, she had not been specifically asked about her state of health during her incarceration. Although other women responded to the ‘has there been any impact’ question by talking about their health whilst they were in custody, Steph’s response demonstrated that even if an issue is dismissed initially, follow up questions and prompts can provide fresh information and a deeper insight.

### 3.3.1.2 Encouragement

The flexibility of the semi-structured interviews also allows for a range of techniques to be used to encourage women to open up about their experiences. These include silences, rephrasing of questions and the use of less formal questioning to allow for a more relaxed environment. The technique of echoing the responses was used for a variety reasons: to double check the meaning of a response was correctly understood; to communicate an absence of censure in response to a comment or explanation; to encourage elaboration; or to jog a participant’s thoughts when they hear their words repeated. Another major advantage of conducting interviewing face to face, rather than on the telephone or using surveys, is the obtainment of participants’ social cues. Opdendakker (2006) argues that body language provides the interviewer with a deeper understanding of the verbal response offered by an interviewee<sup>51</sup>. According to Barkai (1993: 102) ‘over ninety percent of the communicated meaning of a message is produced by the nonverbal communication’. In the present research the women’s body language provided additional information that helped to contextualise the verbal response and assisted with the formation of follow up questions. However there are potential issues with misreading body language, and it is important for a researcher to not make assumptions based upon their interpretation. Linking into social cues is the concept of active listening, as both the researcher and the interviewee are active participants. In fact, active listening is often as

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<sup>51</sup> Recently the previous Justice Secretary, said that veils covering a woman’s face should be removed when they are giving evidence in court, as body language provides essential information for jury members and Judges (BBC News, 2013a).

important as the question (Kvale and Brinkmann, 2009; Lillrank, 2012). Doing this involves listening to what is said, but also what is not said, recognising that silence is important and that it is the researchers job to determine why silence has been used and whether a response is appropriate (Talmage, 2012).

Keats (2000) describes how the emotional state of a participant may significantly affect the quality of their responses, they may struggle to focus on the question or provide a coherent answer. This is particularly important in this research, given the high level of psychological harm caused by the incarceration. However, despite the trauma that imprisonment had caused the women in the present study, they all managed to give detailed answers to the questions posed. Therefore it is argued that the best way to research those who may struggle to respond and organise their thoughts is through supportive interviews. Through a flexible interview style a researcher is able to adapt to each woman and provide an environment that addresses these potential problems with their concentration and ability to organise their thoughts. As such, all of the mothers interviewed appeared fairly comfortable responding to the questions, and when topics appeared to be too difficult breaks were offered. However these were rarely used.

### 3.3.1.3 Broaching Sensitive Topics

Some consideration was given to using a self-completion questionnaire to facilitate the more anonymous disclosure of sensitive information that might be difficult to discuss in an interview. However, it was decided that any potential benefit of this would be outweighed by the richer data collected through face-to-face interviews where explanations could be provided and follow up questions could be asked. Through sympathetic questioning it was felt that mothers would feel comfortable discussing more sensitive issues, which indeed happened, particularly in the follow-up interviews. Similarly, the anonymity and the chance to speak freely without repercussions or disapproval provided the women with a liberating sense of being listened to and valued.

Surveys are disempowering because they do not allow the interviewee to explain what he or she feels and because the pretence of neutrality ignores the cultural assumptions that shape the survey questions...Allowing people to “talk back” (Hooks 1989) gives a voice through interviews to those who have been silenced (Rubin and Rubin, 2005: 26).

However, 'if people do not want to talk about sensitive personal topics, interviews can become difficult, even hostile' (Guthrie, 2010: 119). If this happened they may no longer feel comfortable discussing issues. This is why rapport is so important in facilitating engagement with the field of inquiry. Rapport is an interesting concept, often discussed as something that is relevant only in facilitating a person's initial willingness to participate in the interview. Whereas, 'like all relationships, the researcher-participant relationship is subject to continuing negotiation and reworking; this extends to the participant's trust in the researcher's behaviour at every stage of the research' (Grinyer and Thomas, 2012: 223). Empathy was often used to continue building on the level of rapport throughout the interviews, 'by asking questions to obtain the details that allow you to imagine what your interviewees have experienced, even if the question is slightly off your topic' (Rubin and Rubin, 2005: 81). Within the prison interviews rapport was especially important, as the women were wary and cautious about personal disclosure in the context of the prison. Rapid formation of a high level of trust was required to enable a discussion about the experiences of prison, and the role of 'outsider' proved particularly useful in helping this to develop. From the very start potential participants were re-assured that the research was external to the prison and all other criminal justice agencies. Similarly, in the prison, keys were not worn, emphasising the fact that the researcher was not a member of prison staff (King and Leibling, 2000). Rubin and Rubin (2005: 84) suggest that 'if you fail to spell out what your role is in ways interviewees can understand, they may assign a role to you that makes interviewing difficult.' Enquires were initially made as to what they were studying that day, which appeared to help create a more relaxed interview environment. In contrast, in the community interviews, different tactics were used to facilitate rapport, normally the women decided the topic of the initial small talk, for example a recent activity they had undertaken. However it was important to not have too much rapport, as 'there is an optimum level' (Grinyer and Thomas, 2012: 223). As such over-familiarity and bias was always kept to a minimum particularly for the repeat interviews over a period of months or years.

According to Lillrank (2012) skilful researchers anticipate problematic or sensitive topics. However, what should a researcher do when potentially all of the interview could be

emotionally charged? In this research the women were being asked to describe how their imprisonment had affected not only themselves emotionally and physically, but also their children.

Long and repeated interviews on personal topics may lead to quasi-therapeutic relationships. The personal closeness of the research relationship puts continual and strong demands on the tact of the researcher regarding how far to go in his or her inquiries (Kvale and Brinkmann, 2009: 73).

Deciding how far to push a participant for a response was a critical consideration in each interview. 'The dilemma of wanting as much knowledge as possible, while at the same time respecting the integrity of the interview subjects, is not easily solved' (Kvale and Brinkmann, 2009: 174). Although the fullest disclosure is sought this must be balanced against causing distress to the respondent. Patton (2002) suggests that the burden of a painful subject can be reduced by empathising with words like 'I realise this is a difficult thing to talk about' as well as making the interviewee part of the decision process. Rubin and Rubin (2005: 81) suggest that particularly when interviewing 'marginal or voiceless' people, as was often the case in this research, questions must be asked in an unchallenging way. The ethical considerations of conducting this research will be discussed later, but it is felt that the strict and careful avoidance of any coercive tactics assisted their willingness to open up and discuss sensitive issues throughout. Rubin and Rubin (2005: 31) also suggest that a 'nonconfrontational style is best when an interviewer can reinterview the same person, so particular topics can be broached a second time.' On many occasions the women provided a much deeper level of response to certain issues in their second interviews. Potentially the women could have been pushed further and this might have allowed for a greater discussion about the level of guilt and responsibility they felt about their incarceration and the negative effects it had upon their children. It is unknown what the outcome of this would have been, potentially the gathering of more information but possibly the breakdown of the non-judgemental interview setting resulting in less information. Patton (2002: 406) suggests that 'while interviews may be intrusive in re opening old wounds, they can also be healing.' Patton (2002: 406) found the mothers in their research 'appreciated the opportunity to tell their stories, vent their rage against the system, and share their feelings with a neutral but interested listener. In the present



research, many of the women expressed gratitude for being able to talk freely to somebody about their issues, for example,

“I know I’m a bit OTT at the moment, but this is what I’m like when I’m talking...once I offload I’ll feel better, so I’m giving you it all! I feel so much better once I’ve unloaded” (Marie, 9 Months Follow Up Post Prison).

At the end of one interview when the researcher told a mother that they hoped talking had not been too painful for her, she replied that it had been difficult

“just when you think back...but definitely it’s worth talking about it” (Louise, 1 Month Follow Up Post Prison).

Rubin and Rubin (2005: 91) suggest that ‘people often need to talk about terrible experiences they have had; expressing how they feel can help ease grief and reduce terror’.

### *3.3.2 Disadvantages*

#### *3.3.2.1 Physically Draining*

Semi-structured interviews are not, however, without their criticisms or limitations. Active listening means that a researcher is required to be thoroughly alert in the interview, ‘double attention’ (Wengraf, 2004: 194) is required for listening properly to what is said, as well as ensuring the different topics are covered in the interview. Wengraf (2004) suggests that with this style of interviewing, between 50-80% of a researchers responses to a participant’s answers need to be improvised during the interview, as there are no set replies. When more than one interview is carried out in a day, this double attention can be both physically and emotionally draining for a researcher. Ideally, the prison interviews would have been spread out over a longer period of time to allow for this, however this was not possible due to the limited time for which access was granted.

There are other potential problems with utilising this form of research technique due to the acquisition of the level of data. As a result of the conversational style of the interview, they may go on for longer than anticipated, due to the deep insight into their interviewees lives and emotions. According to Nunkoosing (2005: 701) ‘all stories that the interviewee chooses to tell are equally important in what they can contribute to my understanding of

his or her experience.’ Therefore although this can be very time consuming when transcribing and coding, it is essential to get a real understanding of how the women feel.

### 3.3.2.2 The Influence of the Researcher

Interviews were used to provide a flexible forum to explore the range of ways in which different women’s lives are impacted by prison, however one of the main problems of this research method is the possibility of interviewer bias. Interviews are not carried out in a social vacuum; both the researcher and the participant bring their own experiences and perception to the encounter. Although the researcher does not intend to influence the interview, she is an active participant, the identity of the researcher, as perceived by the interviewee, will shape the responses given. In an attempt to put the women at ease overly formal clothes were not worn or academic terms used, however a certain level of smartness was expected in the prison interviews. Knowing that building up a good rapport quickly was essential for relaxing the participants and facilitating any subsequent interviews, the researcher tried to be as friendly and empathetic as possible without being patronising or unprofessional. After the information sheet had been read and consent form was signed, all the participants were given the same brief introduction to the research before straightforward demographic questions were asked. Wherever possible, leading questions were avoided, and prompts from the interview schedule and silences were used to encourage elaboration of shorter answers. Although the community interviews were recorded occasional notes were also taken to focus the follow up questions and prompts were used to encourage a development of responses.

Another major issue that was considered was the transference of the researcher’s own opinions onto the women’s experiences, reshaping the women’s own narration. In their reflections of interviews and analysis, Anderson and Jack (1998: 165) argue that

critical areas demanding attention are frequently those where I think I already know what the woman is saying. This means I am already appropriating what she says to an existing schema, and therefore I am no longer really listening to her. Rather, I am listening to how what she says fits into what I think I already know.

This is a really important point; the interviewer and their personal biases will always shape the interview. It is important to take a step back and reflect upon what the respondent actually meant rather than what is thought to have been meant. This is the difference between hearing and listening to the responses, when listening a researcher needs to understand the meaning of the words (McCracken, 1988). This intense listening when interviewing requires ‘a willingness to acknowledge what is not understood, and that ability to ask about what it not yet known’ (Rubin and Rubin, 2005: 14). In order to reduce interviewer bias Anderson and Jack (1998: 165) suggest that an interviewer should immerse themselves fully in the interview. It is suggested by Rubin and Rubin (2005) that a researcher needs to acknowledge and compensate for their own biases when interviewing.

Another problem is identified by Kelly et al (1994:37) who discuss what a researcher should do when their personal ‘understanding and interpretations of women’s accounts would either not be shared...and/or represent a form of challenge or threat to their perceptions, choices and coping strategies.’ Bryman (2012: 492) suggests that this issue ‘raises the tricky question of how far the commitment of seeing through the eyes of the people you study can and/or be stretched.’ However, that it is not so important as whether the women’s accounts differ from the researcher’s own perceptions; the research is investigating these women’s thoughts, feelings and responses. Instead ‘to obtain reliable information from the respondent, the interviewer may have to keep such judgemental attitudes separate from the relationship with the respondent’ (Keats, 2000: 26).

### 3.3.2.3 Unequal Power Dynamics

‘Power is always present in the transactions of the interview, as it is in all human interactions...both the interviewer and the interviewee are constantly seeking to (dis)equalize their respective authorities’ (Nunkoosing, 2005: 699). As soon as the women are approached they were provided with an information sheet, which demonstrated the power dynamics and further stigmatised participants. ‘Even the title of the project, which is typically required to be printed on top of the information sheet, may contain words that draw attention to the participants' marks of social disgrace’ (Cook, 2012: 339). However, once this has been formally dealt with ‘the participant then assumes an equally powerful

role in deciding how much access to grant from complete acceptance of the overtones of the researcher to complete resistance, or something in between' (Cook, 2012: 335). Nonetheless, with the issues of power in mind, from the outset all the participants were told that if they were uncomfortable with any of the questions they should ask to move onto the next section or terminate the interview. On only one occasion, during an interview in prison, did a participant ask to move on to another topic when asked about her childhood. The second question in the interview schedule asked the women to define their ethnicity in an attempt not to dictate official categorisations. In another effort to equalise the power dynamics, the final question that each participant was asked was whether there was anything else they would like to mention or discuss in more detail. As well as providing a natural conclusion to the interview, it kept the focus of power on the participant and enabled them to have a degree of control over the conclusion of the interview. Another effort to rebalance the power dynamic in the direction of the mothers, was allowing them to choose the location of the community interviews, for obvious reasons this was not possible within the prison. 'Giving the interviewee the option to choose the interview location is greatly influenced by feminist discourse, which emphasizes the importance of creating as equitable a relationship as possible between interviewer and participant' (Herzog, 2012: 213). However, Herzog (2012) also suggests that this choice may not be a true choice, as those living in deprived areas may not feel comfortable inviting a researcher into their home. This did not appear to be the case in this research, the interview location appeared to be chosen on grounds of practicality. If the participant needed to be at home, or was uncomfortable going into a public place they opted for a home interview, whereas women who worked, or were generally out of their home during the day, opted for the interview to take place in a public location like a coffee shop or pub. Similarly, again the suggestion that people are more reluctant to discuss sensitive issues in public spaces appeared not to be the case. For example the mothers interviewed in public spaces discussed instances of domestic violence, thoughts of self-harm, issues with mental health and problems with child custody. Despite an issue of whether non-heirachy is possible (Nunkoosing, 2005) it is suggested that, particularly in repeat follow up interviews, 'the inevitable power relationship between the interviewee and interviewer can be gradually made more equitable over time' (Grinyer and Thomas, 2012: 228).

As a white, middle class woman with a university education there was originally a concern that there might be issues with perceived power dynamics from the interviewee's perspective. However, this did not appear to be a major obstacle in the interviews. The women were very happy to talk about themselves. Rubin and Rubin (2005: 90) suggest that during interviews 'most people like to talk about themselves, enjoy the sociability and sense of accomplishment, and are pleased that somebody is interested in what they have to say.' Only one of the women asked whether the researcher had any children as this had not been volunteered, not because there was any intention to deceive, but it was felt this information would provide another obvious difference, especially as they were often discussing the impact of their incarceration on their children. According to Foley (2012: 311) some researchers suggest 'self-disclosure does not always lead to more or better information from respondents. In fact, it can be counterproductive.' In hindsight it is unknown whether the disclosure level was correct, or whether a different level would have allowed for a deeper level of trust or raised concerns regarding the intentions of the research.

However, despite the problems with semi-structured interviews, most of the difficulties were considered and addressed, and therefore this method was deemed the most appropriate. In fact, Johnson and Rowlands (2012) suggest that despite the known drawbacks of this approach, in-depth interviewing is the best approach to gain a deeper understanding when the information sought is difficult to study.

### **3.4 Interviewing with Grounded Theory**

Grounded theory does not just apply to the analysis of the data retrieved through interviews, but informs the process of data collection even before ethical approval is sought. Grounded theory provides guidance into the initial interview questions, as through this method researchers are not testing assumptions, but allowing the exploration of a series of questions. Working from the existing literature that prison harms, this research set out to examine the types of harms that occur to women who are held on remand or serving short sentences for the first time, for whom imprisonment is typically not regarded as enduringly harmful. Harms related to short sentences or periods on remand tend to be thought of as harms related to the financial costs associated with the size of the population, but there are also collateral costs, which this research intends to explore.

Charmaz (2006: 26) suggests that the creation of grounded theory interviews is a multi-step process, whereby a researcher must first consider ‘a few broad open-ended questions’, which then allows a detailed discussion of the issues out of which ‘unanticipated statements and stories’ emerge. In this research there were five initial open-ended questions:

1. What pre-existing disadvantages exist in a woman’s life prior to her incarceration?
2. What impact does a short term of imprisonment have on different aspects of a woman’s life?
3. How long-term is the impact, and what support is received during and post-custody?
4. How are her children affected by the period of separation?
5. How does this continue to affect her children once she is released?

These then provided the structure for the more detailed questions that would be asked. The questions fell into different subheadings that contained follow up questions and prompts. These subheadings included: the current sentence and offence, previous experience of community sentences, housing, children’s needs, childhood, physical and mental health, substance misuse, debt, education and employment and the day to day reality of serving a short sentence. Each interview then ended with a series of concluding questions as ‘no interview should end abruptly after an interviewer has asked the most searching of questions’ (Charmaz, 2006: 30) (Appendix 1).

#### *3.4.1 Initial Community Interviews*

In depth semi-structured interviews were initially conducted between July and September 2011 with five mothers in the community who had either been remanded or served a short prison term for the first time. The women were initially interviewed either in their own homes, or in public places where the women felt comfortable talking and consent to record the interview was gained. Two of the interviews were conducted in the presence of children, one was less than two years old and one was 20 years old. The adult daughter was eager to be included in the research as she had looked after her siblings during her mother’s imprisonment. Two of the women had recently been released, two had been back

in the community for six months and one had been back in the community for over a year, as such although the interview topics remained the same for each of the women, the questions varied slightly based on the time that had elapsed since their release. The intention was to re-interview those who been in the community for less than 12 months.

The interviews lasted roughly an hour, and at no point did any of the women appear to be unhappy with the length of the interview, or uncomfortable with any of the questions, as they seemed comfortable telling their story. At one point one of the interviews had to be paused as a question regarding depression upset the participant, but she insisted that she wanted to continue once she had time to compose herself. Likewise, it was initially uncomfortable bringing up the subject of self-harm or suicide, but the women's openness to discuss this alleviated any concerns and highlighted the importance of these questions.

These interviews were initially conducted to test the appropriateness of the interview questions, however after they were transcribed, it was concluded that the questions were suitable, and therefore with a slight modification the same interview structure was used for all following interviews. As grounded theory was used to guide the interviews none of the interviews were identical, slight alterations or additions were made when deemed appropriate. For example, after interviewing a mother who stayed on the MBU a prompt question regarding the time it took for an infant to join a mother in prison was added to all subsequent interviews<sup>52</sup>.

### *3.4.2 Prison Interviews*

The prison interviews took place in December 2011. Due to the time restraints of when the women could attend education<sup>53</sup>, very little time was left for interviews. On the first day of prison access every classroom was visited to advertise the research. After hearing the objectives of the study and what they would be asked, mothers serving their first term of incarceration were invited to take part in an interview and interested women were asked to write their names, sentence length and prison number on a list. Information sheets were also distributed to these women and other women who wanted to take them for others on

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<sup>52</sup> However, it transpired that she was the only mother interviewed to have her infant with her in prison.

<sup>53</sup> Education was carried out between 8.45-11.15am and 2:00-4.30pm.

their wings. A total of 19 women expressed an interest in taking part and wrote down their details. Education did not take place that afternoon so no prisoner interviews were undertaken that day.

Only one of the women who had volunteered subsequently declined to be interviewed, as her family did not want her to participate. Due to time restraints a total of 10 mothers, six sentenced and four on remand, were initially interviewed in prison, for an average of 40minutes<sup>54</sup>. All the interviews took place in a private environment with a window where the women could not be overheard, and the education staff knew of this location at all times. In addition to the previously discussed interview topics they were also asked questions about anticipated problems and support post-custody. It was hoped that the follow up interviews in the community would allow a deeper exploration of the issues during and post-custody. All of the women agreed to a follow up interview in the community soon after their release, and contact details were taken.

Over the following weeks letters were sent to all of the participants thanking them for their contribution and reminding them of the follow up interviews. Letters were also sent to those women who had signed up but had not been interviewed due to the limited time allowed in the prison, asking if they might still want to participate upon release. All letters were sent with stamped addressed envelopes as well as information leaflets that informed the women that research was being carried out by a female PhD student who wanted to examine how a first short prison sentence (of less than 12 months or remand) negatively impact mothers and their children (Appendix 2). In total eight women replied to the letters. Five women who had been interviewed replied, two on remand with their court dates and three describing how they were getting on and agreeing to be re-interviewed when they were released. Letters were also received by three mothers who had not been interviewed, two of whom were subsequently untraceable but contact was successfully achieved with the third.

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<sup>54</sup> However only five of these women were interviewed post-custody, and therefore half were removed from the final sample as the research was investigating the longevity of the harm, which could not be done with those only interviewed in prison.



### 3.4.3 Further Community and Follow-up Interviews

Between January and October 2012 further initial interviews were carried out with five mothers who were approached through organisations in the community and with one of the mothers who was first met in prison and replied to a letter with a number to contact her post release. These also took roughly an hour.

Follow-up interviews were conducted between January 2012 and February 2013 with 11 women who had either been interviewed in prison or the community. Each interview lasted on average 90minutes. Remaining in contact with the mothers once they had been released from custody proved to be as problematic as initially anticipated, in that they either did not return to the same addresses, telephone numbers became inactive or they did not respond to letters. It was assumed that those engaging with voluntary organisations would be the easiest to locate. However this was not always the case. Often it was the women who in their first interviews appeared to lead the most chaotic lives who remained in contact.

Third interviews were conducted with 4 mothers. These followed the same structure as before but the questions were tailored to the answers that the mothers had previously given and the themes that had emerged from the initial analysis, allowing for a deeper exploration of their own personal experiences and feelings. Asking questions about specific issues that had affected their lives appeared to have the desired effect of encouraging them to elaborate on previous responses.

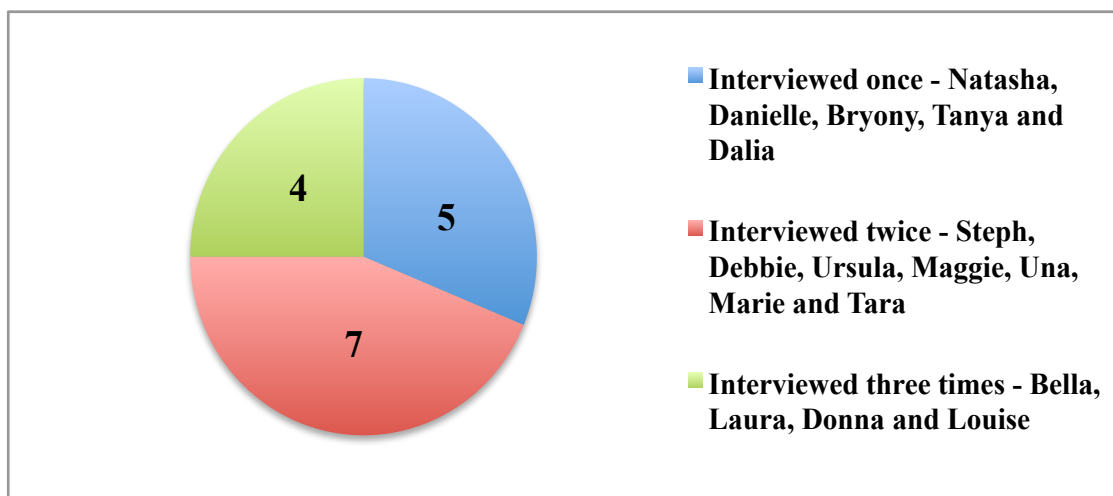


Figure 1: Number of interviews with each mother

### 3.4.4 The Final Sample

Post-custody interviews were conducted with 16 mothers who had experienced a first short period in prison, either remanded or sentenced (Appendix 3). Five<sup>55</sup> of this sample were initially interviewed while they were in custody and 11<sup>56</sup> were first interviewed post-custody. As can be seen from figure 1, of these 16, 11 were interviewed twice and 4 were interviewed on a third final occasion<sup>57</sup>.

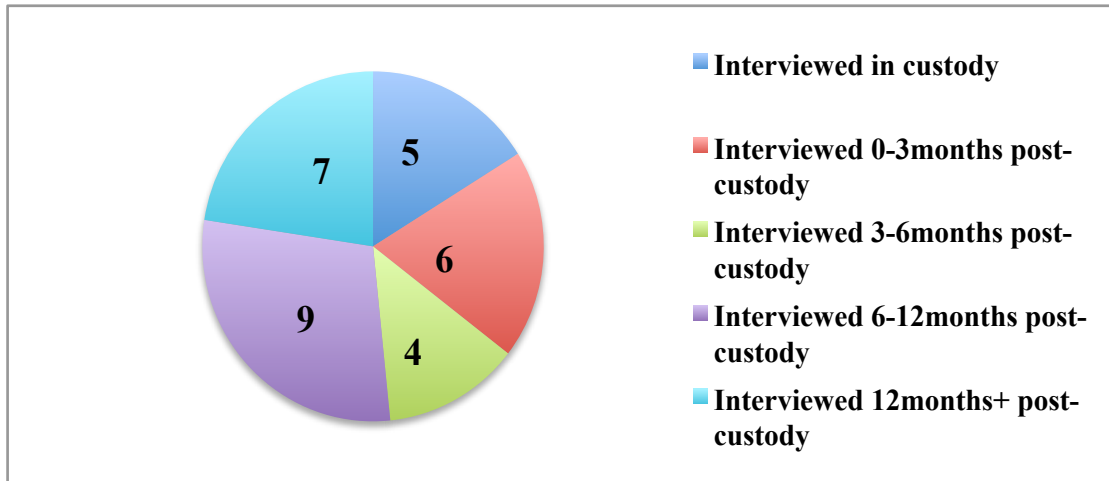


Figure 2: Time in relation to custody that interviews took place<sup>58</sup>

The decision to remove the five women who had proved impossible to contact after their release and who had consequently only been interviewed in prison, was not a decision made lightly. They had given up their time to engage in the research and although their responses helped to contextualise some of the experiences of other women, these five women were unable to be taken into the next stage of the research because the sample had to comprise women who had been interviewed post-custody. This adaptation is, however, consistent with the need for an evolving and reflexive method that is consistent with grounded theory. The risk of it biasing the sample did not materialise. As can be seen from

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<sup>55</sup> Debbie, Louise, Una, Ursula and Maggie.

<sup>56</sup> Bella, Laura, Donna, Danielle, Steph, Tara, Natasha, Bryony, Tanya, Marie and Dalia.

<sup>57</sup> Interviews were also conducted with a woman who cared for her disabled father, two teachers working in a female prison, a former female prison governor, a repeat female offender post-custody, a daughter of an incarcerated woman (on two occasions) and a partner of an incarcerated woman.

<sup>58</sup> Bella, Laura, Debbie, Louise, Una and Donna were interviewed 0-3months post-custody, Bella, Donna, Ursula and Marie were interviewed 3-6months post-custody, Laura, Danielle, Steph, Dalia, Donna, Maggie, Louise, Marie and Tara were interviewed 6-12months post-custody and Bella, Laura, Natasha, Steph, Bryony, Tanya and Tara were interviewed 12months+ post-custody.

Appendix 4 the prison interviews with the five mothers who were removed from the final sample did not suggest that the experiences of these women differed in any significant ways from those who were kept in the research. Likewise it was not the case that those initially interviewed in prison who continued to be engaged in the research did so because they were particularly aggrieved by their sentence or treatment in custody. As with most of the women interviewed, all five of the excluded group listed positive outcomes from their period of incarceration.

As can be seen from Appendix 3, the majority of the 16 women interviewed were sole carers to their children and worked in order to provide for them. Several of the women were foreign nationals, however in this research specific issues raised by these women will be referred to but ideas about foreign nationals will not be developed as such, as the focus is on their experience as mothers affected by incarceration rather than their ethnicity. The problems they encountered are part of the tapestry of issues described by all of the women.

### **3.5 Ethical Considerations**

In line with the literature, ethical concerns were considered right at the start of the research (Kvale and Brinkmann, 2009). For example, although it was important to interview the women in an environment in which they felt comfortable talking, safety was a concern. Therefore the community interviews took place in either a public space where there were lots of other people, for example a coffee shop, or a private space due to the sensitive nature of the topics being discussed. The women chose the location of the interview, however prior to all the interviews two other people knew where the researcher was conducting the interview. In contrast, the prison interviews were conducted in a suitable room designated by the prison staff. The room always had a window and a member of staff knew where the researcher was at all times.

#### **3.5.1 Informed Consent and Anonymity**

The women needed to know details about the research in order to make an informed decision about whether to take part. This raises the question of how much information should be given. 'Providing information about a study involves a careful balance between

giving too much detailed information and leaving out aspects of the design that may be significant to the participants' (Kvale and Brinkmann, 2009: 71). As such, the right balance needed to be struck between providing potential participants with sufficient information to make an informed decision and overwhelming them with detail. In line with standards of informed consent, potential participants were given an information sheet to read prior to their decision to take part. This information sheet outlined the purpose of the research, what topics would be covered, their right to withdraw their participation, it guaranteed their confidentiality and anonymity and provided contact details for the researcher (see Appendix 5). They were invited to take the information sheet away with them to consider participation, and for those with low levels of literacy the information sheet was read to them. If they decided to participate and once any questions about the research had been discussed, participants were asked to complete the consent form, which was again talked-through with women who had poor literacy skills.

Anonymity was an important issue. The potential participants were told all information they provided would be treated with confidentiality and their responses would be totally anonymised in the written study. However, even though the consent form is not in the public domain, the requirement to provide a signature consenting to an interview undermined for some women the guarantee of anonymity. In response to the request by the Head of Learning and Skills at no point in this thesis or any research papers will the names of the prison or the women<sup>59</sup> be disclosed. Those being interviewed in the community were told that the recordings would be stored in University approved locations. In compliance with the Data Protection Act (1998) and King's College London ethical guidelines, at the end of the project any personal information would be destroyed and any raw data on which the results of the project depended would be retained in secure storage for seven years, after which it would be destroyed.

### *3.5.2 Issues with sampling*

Although there were issues with sampling that could be considered to make the research problematic, it is felt that most of these issues have been addressed, and these problems are possibly part of the reason why this group of women are under researched. Firstly,

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<sup>59</sup> For confidentiality reasons all participants have been given pseudonyms.

when recruiting potential participants in prison the term ‘negative impact’ was used in the poster (see Appendix 2) for several reasons. Primarily it allowed the mothers to understand straight away that the research was independent from the prison service and was not being conducted for prison audit purposes or for the prison to seek out troublemakers. It was feared that a more neutrally phrased poster would not have attracted much participation. However by making this decision it may have slightly biased the initial prison sample, to the extent that all research subjects who volunteer to participate risk being skewed towards those who are particularly enthusiastic, confident or aggrieved.

Secondly, those interviewed in the community received a financial incentive to participate<sup>60</sup>. There are obvious ethical concerns about whether the women felt coerced into taking part because they are a financially disadvantaged group who need the money, and so their consent is not freely given (The Research Ethics Guidebook, 2013). They were therefore explicitly told that the £5 voucher was for giving up their time, but that they could withdraw at any time. According to their analysis Grant and Sugarman (2004) reported that ‘for most research studies, the use of incentives to recruit and retain research subjects is entirely innocuous.’ This appeared to be the case in this research, upon receipt of the voucher many of the women said that they would have participated without the incentive, but that it would be nice to spend it on their children.

There are also issues with locating potential participants, and as has been seen in this research approaching the right or willing gatekeepers can take time and filled with red tape. Likewise, if a participant is found in the community the researcher needs to fit in around their schedule and travel to a suitable location. As a result of the chaotic lives that many of these women lead, it was assumed that non-attendance at interviews would be frequent, so scheduling of appointments and travel might need to be repeated. However in the community this only happened twice, and the interviews were re-scheduled for a later date. As a result of the chaotic lives that the existing literature says many women offenders lead, it was anticipated that locating women released from custody who were not engaging with community services would be a difficult task. As such, several

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60 After each community interview the women received a £5 love to shop voucher, which could be spent in over 20,000 high street stores.

techniques were used to increase the probability of a follow-up interview. Building a good rapport during the initial interview and maintaining contact afterwards through letters as well as financial incentives, was thought to increase the chance that the women would remember the research and be willing to be re-interviewed. Likewise, it was thought that obtaining contact details of close relatives or friends might also increase the likelihood that the women could be located.

Similarly, it was initially thought that follow-up interviews would be difficult to conduct with women experiencing multiple problems across different areas of their lives, causing the research to fail in its ability to reflect the experiences of the most chaotic women. If it had become apparent that the follow-up interviews were not incorporating the most chaotic women, plans were made to approach hostels or charities that worked with the homeless, for example, Shelter and The Salvation Army. However, this concern appeared to be unfounded, as two of the women who were homeless on release from prison were easily contacted by mobile phone, and seemed grateful for the shopping voucher. Whereas those in the first interviews whose home lives appeared the least unsettled by prison were the hardest to locate in the community.

### *3.5.3 Other Concerns*

It is human nature to want to present oneself in the best possible light, and Grinyer (2012) suggest that interviewees may show a favoured self-image. It is the interviewer's job to break through these preferred versions and acquire the most accurate depiction of reality (Rubin and Rubin, 2005). However, throughout the interviews the mothers described aspects of their lives, often in considerable detail, about which they were not proud but highly self-critical. But an important ethical question is raised when a researcher seeks further elaboration and pushes for greater disclosure. How far should a researcher press an interviewee for greater elaboration? As mentioned earlier, the risk of coercion did not arise in the present research as all women were relaxed about discussing personal and potentially uncomfortable issues, possibly because they were not being pressured into disclosure.

Secondly, all of the questions asked in the initial community interviews required the women to think back to their time in prison. This may have changed how the questions were answered as the women may not properly remember their prison experiences or may not want to discuss it in as much detail as if they were interviewed in prison.

Though people often try to tell the truth, sometimes their memories have faded or they have blurred two or more events or characters together, or not remembered exactly what was said (Rubin and Rubin, 1995: 76).

However, based on the follow up interviews, it would appear that memory decay reduces the negative memories. When re-interviewed the women often spoke about their time in prison with less extreme reactions. Nonetheless, certain aspects of the prison experience caused significant on-going harm.

Any conclusions that are made about the impact on children, is from the perspective of their mother, as the children were not interviewed. It was decided that interviews of that nature would detract from the women's perspective as this research was focussed on the accounts of the mothers, and how they thought custody had impacted them and their children. However an adult daughter asked to be included in the study. This interview proved to be extremely interesting, as the mother said that she had not previously heard some of the things that her daughter mentioned.

Rubin and Rubin (2005: 110) suggest that participants may 'become shy or hesitant when they are being electronically recorded' and that 'in any situation that is intentionally informal, the recorder looks out of place' (Rubin and Rubin, 2005: 110). However according to Johnson and Rowlands (2012: 106)

one of the main goals of qualitative research has always been to capture the words and perceptions of informants..."to grasp the native's point of view, his relation to life, to realize his visions of his world"...obtaining a verbatim record is the ideal, if the subsequent analysis is to be valid and meaningful.

Likewise, Patton (2002) suggests that not writing notes allows the researcher to concentrate fully on the interview, rather than simply increase the accuracy of the responses. Therefore it was decided that all the community interviews would be recorded if the participants agreed, which they did. It was found that in all instances the women did

not appear concerned by the recorder as they were assured that their contribution would be anonymous at all times and that only the researcher when transcribing the interview would listen to the audio recording. The level of comfort with the recorder may have been because modern technology is able to pick up responses without being directly in front of them, but on the table nearby.

The recording device, however, was banned<sup>61</sup> for the prison interviews, therefore without significantly delaying the length of the prison interviews, and thus reducing the number attained, not everything the women said was written down, but attempts were made to depict the women accurately when more detailed answers were provided. This negatively affected the quality of the interview in three ways: it took considerably longer to cover the same questions; interviewees in prison provided quite short responses which were tailored to the note taking; and certain opportunities where prompts for elaboration would have provided more information were missed. The limitations of the prison interviews are one of the reasons why those who were only interviewed in prison have been removed from this research. Although they provided an insight into the issues most concerning mothers during their incarceration, the community interviews could be transcribed and coded in much greater detail, allowing for a deeper analysis of the responses.

Although a larger sample would have been welcomed it proved to be beyond the time and resources of the present study. Proven techniques such as the as snowball approach to recruitment, where participants recruit further participants, did not work. Often a snowball method is possible with this type of research, however the majority of the mothers in this study considered themselves to be ‘outsiders’ in prison, due to their short criminal histories and the fact they had never been in prison before. Therefore those who took part in the research were unable to suggest other woman who fitted the selection criteria. Nevertheless it is argued that the size of the sample was sufficient to yield important insights into the experiences of mothers being affected by a first short prison sentence. The issue of validity will be discussed later. It is suggested by Kvale and Brinkman (2009: 113) that ‘a general impression from current interview studies is that many would have profited from having had fewer interviews in the study, and instead having taken more

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61 By the Prison Head of Learning and Skills.



time to prepare the interviews and to analyze them.’ It is suggested that no sample size can fully examine the different ways in which women are affected by imprisonment. However what this research does is provide rich data on how a group of non-violent mothers, with limited criminal histories are negatively affected by a short term of imprisonment over a much longer timeframe than the initial period of remand or sentence. Their experiences are not unique to this group, many women in prison struggle with the issues described by those who were interviewed. The findings collectively convey an important message about the need to use even short sentences with considerable caution.

### **3.6 Ensuring Validity**

An important question relating to all research is whether the findings are valid, in particular whether the methods used actually measure what the researcher intends to measure and whether the conclusions drawn are based on reality (Bryman, 2012). Whittemore et al., (2001: 522) argue that ‘developing validity standards in qualitative research is challenging because of the necessity to incorporate rigor and subjectivity as well as creativity into the scientific process’. With these issues in mind, it is argued that there is validity in the data produced in the present research.

One such claim is based upon the chosen methodology. With semi-structured interviews ‘the aim is not to get a representative sample of the various categories of informants, but to gather a substantial body of information from them’ (Hardon et al., 2004: 24). It has been argued that semi-structured interviews provided a sound basis for exploring how the women felt that their incarceration affected them over a longer period of time. As such, this method accurately measures the exposure of personal information relevant to the research questions (Wisker, 2008). Similarly, is it internally valid because the issues are consistent with previous research (Davies et al., 2011). Although the women’s feelings, and the long-term impact, have not been researched previously, the findings from this study are in line with the existing literature on imprisonment, specifically female imprisonment.

It is also suggested that although the research cannot be generalised to the whole prison population, it can be applied to, and replicated by other studies of women in prison

(Davies et al., 2011). Although the findings are based on a small sample of women, which may not necessarily be representative of all mothers in prison, there was nothing that led to the conclusion that this was a particularly unusual group. Rather, the emergence of important common experiences amongst the mothers suggests that these issues are widespread and are likely to apply to other women.

Lastly, as the research aimed to examine the long-term effect of custody, it was decided that follow-up interviews would be undertaken because of their inherent benefits. One of the main benefits of follow-up interviews was the opportunity they provided to test the validity of the women's responses. By asking them to talk about the feelings in detail on several occasions the researcher was able clarify their responses and test their consistency. There are, however, also other reasons why the method of follow-up interviews was pursued.

### **3.7 The Importance of Follow-up Interviews**

Initially the idea to conduct follow-up interviews came from the assumption that over time different aspects of prison would affect the women differently and that by providing an opportunity to build rapport, richer responses would emerge. According to Grinyer and Thomas (2012: 220) 'some researchers recommend two, three, or more interviews with the same participant, convinced that this multiple and staged approach can uncover greater detail, depth, and complexity of meaning of the interviewee's experience.' Therefore it was felt that interviewing them at different stages, would allow the research to discuss whether there was a longer-term impact beyond the time in custody. The time between interviews also provided an opportunity for both the interviewee and interviewer to reflect on what was discussed. This proved to be important not only for the detail of the responses, but also for the analysis and the development of further questions.

As expected, the follow-up interviews provided a more detailed understanding of these women's experiences. As greater disclosure occurred in every case, regardless of whether they were first interviewed in prison or the community, it is likely that the repeated contact helped to foster increased feelings of trust towards the interviewer. There were several instances when this was the case, and four examples will now be discussed as they

demonstrate the different ways in which the responses varied between different interviews.

The first example is one in which more accurate information should have been gathered at the time of the first interview by the researcher. During her interview in prison Louise said that her daughter was not living with her prior to incarceration because she was still in Africa, but that prison was affecting the extent to which they spoke. However when she was re-interviewed it turned out that she had only ever lived with her daughter temporarily:

“I left my daughter when she was a toddler, because I was quite young when I had her, so my mum took her” (Louise, 1 Month Follow Up Post Prison).

It may have been the time restriction in the prison interview that caused this misunderstanding, or because the information had not been written down, or because Louise chose to be vague. However if this respondent had only been interviewed in prison it would have been assumed that the separation was recent.

The second example is one where completely different answers were provided at the first and follow-up interview. This was either because the mother had not wanted to discuss the issue when first asked or because she had not seen it as a relevant matter at the time of the first interview<sup>62</sup>. In her prison interview Una dismissed having any problems with drugs or alcohol, however when she was re-interviewed in the community she reflected upon the fact that she was drinking more heavily as a result of her arrest.

“Even my mum got a little bit worried, she said ‘cut down on your drinking’” (Una, 1 Month Follow Up Post Prison).

Without the follow-up interview Una would have been categorised as a prisoner with no alcohol problem.

The third example is from Donna who in her first interview was also very elusive about the extent of her previous addictions:

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<sup>62</sup> She was not asked why she gave such different interviews in case she took offence and felt like the researcher was being judgemental.

“Drugs about 15years ago, before my boy, and alcohol about 7 years ago when my daughter died” (Donna, 1 Month Post Prison).

When this was probed further, as she had been convicted for stealing alcohol, she denied having any problematic use:

“It’s in moderation, I can have a couple of pints, I can walk away, it doesn’t bother me, they wanted to put me on the detox wing when I went in and I refused” (Donna, 1 Month Post Prison).

However she was very open about the addiction in a later interview.

“I had a drink problem right, at this time I’d gone through a nasty break up and I think that’s what brought it on, it got to the point where I got up in the morning shaking, it went on for a while and then it clicked in my head that something ain’t right here” (Donna, 6 Months Follow Up Post Prison).

It transpired that she had been drinking heavily for nearly four years and it got to the point where she was checked into an alcohol clinic. She described how alcohol had only really become a problem once she had stopped taking drugs. This would not have been revealed if she had only been interviewed once.

The final example comes from Laura, who was initially not very forthcoming about her childhood, saying that she was rebuilding her relationship with her father since prison but that she had experienced quite a strained childhood. Because of this, an ethical decision was taken not to probe further into her relationship with her father in the initial interview in case she became upset. However in the follow up interview when asked how things were going with her dad she spoke about her relationship with her mother.

“I do see him quite a lot, I find him and my stepmother are more understanding and supportive than my own mother because I’ve always had problems with her” (Laura, 12 Months Follow Up Post Prison).

When asked what she meant by that she said

“she believes that smacking is the answer to everything, and I don’t believe in smacking the kids...especially the way she used to smack us, that was a lot of what I did in therapy...going back to all of that” (Laura, 12 Months Follow Up Post Prison).

She had some quite negative opinions of her mother and how she brought her up, however from the first interview it seemed that the issues in her childhood related to her father.

Conducting follow-up interviews is therefore a valuable practice as they enable the researcher to get closer to the true meaning of the participants' responses, demonstrating how views may change over time or in different contexts, as well as facilitating a more in-depth and nuanced analysis of the evidence.

### **3.8 Analysing with Grounded Theory**

During analysis of the transcribed interviews new distinctions may be discovered. This is in line with the purpose of an exploratory study to discover new dimensions of the research topic (Kvale and Brinkmann, 2009: 112).

Promptly after each interview was conducted the audio recordings were transcribed onto a computer. The benefits of this process far outweighed the time required<sup>63</sup>, as it allowed the researcher to become fully immersed in the research, leading to the 'revision of the material' which awakens the 'thought process about patterns and connections in the data' (Guthrie, 2010: 160). After the initial transcribing, each interview was then line by line coded through the creation of a series of 'nodes' using the software program NVivo. Examples of the codes used are 'issues with accommodation', 'problems in the first weeks' and 'no contact with children'. Bryman (2012: 568) argues that coding is the 'important first step in the generation of theory.' A second level of coding, through focussed coding, was then carried out after a few of the initial interviews had been undertaken. Examples of these codes are 'previous risk factors', 'invisible population' and 'stigma'. This allowed for an examination of which of the 'initial codes made the most analytical sense to categorize your data incisively and completely' (Charmaz, 2006: 58). Early and on-going analysis during the research process allows for an exploration of the emerging themes that will be explored in follow up interviews (Bryman, 2012). Charmaz (2006) and Bryman (2012) maintain that in line with grounded theory, coding is not a

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63 Every twenty minutes of interview took an hour to transcribe.

static process; it will constantly evolve as the research develops, it is ‘an all-encompassing activity that continues throughout the life of the project’ (Basit, 2003: 145).

Coding also highlighted new layers of analysis that needed to be applied to previously coded interviews, and helped illuminate which topics required more focus in future interviews to follow evolving ideas (Rubin and Rubin, 1995). Charmaz (2006) argues that grounded theory researchers need constantly to analysis the purpose of each of the questions and whether they help to study the topic which the research is exploring. This was possible through the use of follow-up interviews, and the researcher could modify questions to ensure the conclusions were valid. Although the questions in this research were not substantially changed, as previously mentioned, elements were modified or expanded upon, and prompts added to allow the gathering of the most reflective and informative data. Follow up interview questions were created from the participant’s previous answers and from the themes that emerged as a result of coding the previous interviews.

### **3.9 Conclusion**

Despite the initial setbacks encountered in developing the fieldwork, the methodological framework that evolved provided an appropriate structure for the exploration of the research questions, given the timeframe and the available resources. Grounded theory has provided a workable method to study this group, guiding both the interview questions as well as the coding and analysis. Gaining access to this vulnerable population was difficult, and conducting follow up interviews was always going to be problematic. Despite this, the research has yielded rich and deep data on the experiences and difficulties faced by a number of mothers during and after a first short period in prison. The findings from the research, discussed in the following three chapters, are based upon solid foundations that are in line with the existing literature. Their significance rests upon the fact that they relate to an under-researched, yet socially significant group and the difficulties identified in this chapter may go some way to explaining why this is the case.

## **Chapter Four: Mothers in Custody**

### **4.1 Introduction**

This chapter will begin by looking at how Sykes's (1958) pains of imprisonment can be applied to women, as they are confronted by these harms in different ways from men. It will be argued that a woman's role as a mother intensifies these pains and that these on-going pains are often ignored or deemed as unavoidable harms. The chapter will then move onto explore how those interviewed in this research felt about their short-terms of imprisonment, initially looking at their feelings of injustice because of their non-violent offences, limited criminal histories and often guilty pleas. It is suggested that the courts are not always applying the custody threshold and are failing to give due weight to relevant mitigating circumstances. It will be argued that the feeling of being treated unfairly by the criminal justice system is potentially linked with the high levels of reported psychological harm. The women's anxieties about a first time in prison will also be examined, as well as their feelings of guilt and their struggles adjusting to structured regimes in a short period of time.

This and the following chapter will then mirror each other, looking at different aspects of the women's lives during and post-custody. In their work Liebling et al., (2005) explained how 'imported vulnerabilities' make incarceration especially difficult for some people, so too the mothers in this research described anxieties about housing, employment, finances, mental and physical health and addictions whilst they were incarcerated. It will be shown that some of the problems will be on-going, some will be resolved and some new unexpected problems will arise. Therefore it is argued that custody is not just about temporary loss of liberty, even short terms have longer-term multi-dimensional consequences. These incidental punishments require more thorough consideration when sentencing non-violent mothers, as they are morally significant harms, which cause a deep level of suffering.

### **4.2 Pains of Imprisonment**

The mothers interviewed in this research felt many of the pains of imprisonment that Sykes (1958) discussed. While it is often accepted that all prisoners experience them to a

certain extent, women may suffer them differently and sometimes more intensely than their male counterparts (Soffer and Ajzenstadt, 2010). 'For women, the pains of imprisonment revolve around family relations' (Enos, 2008: 59) and the deprivation of liberty will be the most painful as for the majority of the 16 women their detention affected their maternal role (Enos, 2008) as it separated them from their children. According to Moore (1998: 70) these pains

are cruelly visited upon the inmate mother. She is subject to the same confinement-produced deprivations and discomforts that fall on all institutionalized offenders. In addition, she must confront and manage the problems that result from her separation and reintegration with her children.

As such, the courts need to be more sensitive to differences in gender and the harm caused when incarcerating mothers. Sykes (2007: 64) argues that

the deprivations or frustrations of prison life today might be viewed as punishments which the free community deliberately inflicts on the offender for violating the law; in part, they might be seen as the unplanned (or, as some would argue, the unavoidable) concomitants of confining large groups of criminals for prolonged periods.

However, while it is suggested that these pains are not deliberately inflicted; for mothers there are additional punishments, which continue throughout and beyond custody.

Therefore although these harms might be unplanned, it does not mean they cannot be anticipated or are unavoidable, steps can be taken to reduce them, indeed several of the mothers reported prison staff attempting to alleviate their suffering. Sykes (2007: 64) argues that 'we must explore the way in which the deprivations and frustrations pose profound threats to the inmates' personality or sense of personal worth.' Only when we do this can we begin to analyse the true cost of imprisoning mothers for short terms, and consider whether these punishments are justified, or whether alternative sentences would be more appropriate or beneficial to the women, their children and society generally. Although there is a lot of literature on the impact of imprisoning women, what has rarely been discussed is the longevity of the harm. Through the experiences of the mothers interviewed in this research it will be shown that these pains are on-going and remain real after their release.



#### *4.2.1 Deprivation of Liberty*

The first pain of imprisonment explored by Sykes how prisoners are physically cut off from their families and communities, often affecting the prisoners' feelings of self-esteem.

It is not difficult to see this isolation as depriving or frustrating in terms of lost emotional relationships, of loneliness and boredom. But what makes this pain of imprisonment bite most deeply is the fact that the confinement of the criminal represents a deliberate, moral rejection of the criminal by the free community (Sykes, 2007: 65).

It is suggested that for mothers, although the community's moral rejection is important, the loss of liberty, and fundamentally the separation from their children is key (Soffer and Ajzenstadt, 2010). As mentioned in the literature review, many female prisoners are mothers, and 'the pain of losing their children due to their incarceration as well as fear for the children's destiny have been found to be a major concern for these women and to affect their mental well-being' (Soffer and Ajzenstadt, 2010: 493). Although contact through phone calls, letters and visits is often encouraged by the prison authorities it is suggested that nothing can replace or fully alleviate the feelings related to this time apart. This forced separation was the most difficult aspect of prison adjustment for many interviewed in this research as it was the first time that their children had not been in their care. Ward and Kassebaum (2009: 15) argue that 'dispossession of the mother role also removes an important personal emotional object from the inmate' and that 'this frustration does not appreciably lessen over time'. Problems with prison visitation can lead to loss of contact, which Genders and Player (1987: 168-169) say creates

the very real fear that they might lose their children permanently into the care of the local authority, or, in the case of very young children, that their attachment might be weakened and the child forget about them or not recognise them.

However, most of the women in this research were unconcerned about losing custody as they thought they would be reunited with their children upon release, possibly because they were first-time prisoners.

#### *4.2.2 Deprivation of Goods and Services*

Although the basic needs of prisoners are maintained, for many of the mothers interviewed the variety of personal possessions they were permitted in custody was less

than on the outside. Indeed, although women are allowed more of their own property compared to males, for example clothing, there have been recent restrictions introduced. For example, in November 2013 the Ministry of Justice banned the postage of small items, such as books, birthday cards and clothing, as they undermine the incentives and earned privileges scheme and causes issues to security.

Prisoners are no longer permitted to have underwear sent in and so have to wear pants and socks worn by many other people. Women prisoners are particularly hard hit by this rule as they are not provided with a uniform and are dependent on family for underwear and outerwear. If underwear cannot be sent in, women are forced to wear the same pants and bras for months (Crook, 2014: 2).

Genders and Player (1987) suggest that for women the deprivation of property is not just about items within the prison, but items outside which have been left behind and potentially lost and irreplaceable. As a result of their incarceration several of the mothers interviewed lost their tenancies, and their possessions within them. This caused a high level of anxiety for a lot of the women. In their research Genders and Player (1987: 170) argue that

even women who did not have a fixed address and who could be described as already dispossessed in a consumer society, nevertheless had possessions...which were typically scattered amongst various friends, acquaintances and relatives. In these cases, the unsettled nature of the women's life-styles and the tenuousness of their relationships with the caretakers of these goods, made it likely that the items of property would be either untraceable or irretrievable.

#### *4.2.3 Deprivation of Heterosexual Relationships*

Sykes' third pain of imprisonment regarding heterosexual relationships was not reported as a primary concern for the mothers in this sample, potentially because they were only in prison for short periods. The only time one of the mothers discussed the lack of heterosexual relationships was regarding prison staff:

“the Governor's married to an SO<sup>64</sup>, then you've got SO's whose girlfriends are officers, so it was very lesbian orientated” (Una, 1 Month Follow Up Post Prison).

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<sup>64</sup> SO is short for a senior prison officer.

In comparison, Genders and Player (1990: 49) found in their study of female lifers that

lesbian relationships were perceived as attempts by the women to re-experience a sense of closeness and intimacy, and as such, were defined by the staff as inevitable aspects of long-term imprisonment. Most women serving long sentences were said to “pass through a phase” of lesbian activities, although the majority were thought not to be gay outside.

Bosworth and Carrabine (2001: 511) suggest that prisoners resist the lack of control they have over aspects of their lives during their incarceration, and propose that these relationships ‘can be understood as strategies of resistance’. Many of the mothers in this research described strong friendships with other prisoners, which was a source of great support and helped to reduce the erosion of their identity. Although these were not sexual, they served to replace the feelings of closeness and intimacy with their children, which most were denied while in prison. Rowe (2011: 2) argues that ‘other inmates are a crucial source of practical and emotional support when they first arrive in custody... Even relatively weak ties among prisoners offer important forms of support.’ The friendships that those interviewed in this research formed early on in their imprisonment helped them with their initial adjustment and often developed into longer-term friendships. For example:

“they put me into a cell with someone else, the girl was quite nice, she was in the same situation as me, taken away from her kids, and it was her first time as well, so she said ‘look we’ll just get through this together... we’ll get each other through the hard times’” (Dalia, 11 Months Post Prison).

Like in the research by Genders and Player (1986), these friendships were often with people in the same age group, with similar life experiences. Many of the mothers reported staying with the same cellmate for their whole time in prison, they would go together when moved to a different cell or wing. This seemed like an effective method the prison staff used to alleviate stresses and demonstrates an acknowledgement of ways to reduce the pains of imprisonment. For Marie after spending so much time with her cellmate the prison officers gave them nicknames involving their surnames<sup>65</sup>. She was very happy to be seen as a pair, rather than an individual, and it is suggested that this type of coping

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65 “Like Burt and Ernie or Morecambe and Wise” (Marie, 5 Months Post Prison).

mechanism requires further exploration as it often helped with adjusting to new prison identities. In contrast, other mothers took on maternal roles within the prison:

“I was a mother hen of the prison, a lot of girls used to call me that, because I was well respected by others in the block, they knew me as a trustworthy, wise woman...a lot of the girls used to come with their problems and I used to calm them down and listen to them” (Tara, 7 Months Post Prison).

In a later interview Tara said it took her a few weeks to adjust to her prisoner status, but once she learnt to cope, taking on the maternal identity gave her purpose. Clark (1995: 321) argues that ‘the mothering role provides women with a positive identity, a source of meaning, and a sense of community.’ However, some of the women were unable to take on this identity because of their feelings of anger about their detention.

#### *4.2.4 Deprivation of Autonomy*

Sykes’ penultimate pain of imprisonment relates to the infliction of rules and regulations, which was a cause of great concern for the women interviewed in this research as it related to many aspects of their imprisonment. Medlicott (2007: 255) argues that female prisoners find that by removing their autonomy ‘they are required to adjust their identities and behaviour in order to comply with every requirement of the institution, no matter how petty’. In addition to this, the lack of information regarding the reasons behind the rules or what is forbidden also appears to be a large source of frustration. Goffman (1961: 19-20) argued that ‘characteristically, the inmate is excluded from the knowledge of the decisions taken regarding his fate...such exclusion gives staff a special basis of distance from and control over inmates.’ Several of the mothers felt frustrated by the requirement to complete application forms to receive assistance in prison:

“it’s all about apps, you only read peoples words, if you want to talk to somebody, you cannot express things in words, you’re just a number” (Una, Less than 1 Month in Prison).

As well as being an impersonal form of communication it is also time consuming, causing what were perceived to be unnecessary delays. One mother, who was convicted of fraud and had no history of violence, described an administrative error that resulted in her being put in segregation for three days:

“one of the officers told me when he saw my file ‘ahh you’ve been violent in the first day in the police station when they arrested you.’ I said ‘no, I’ve never been violent” (Ursula, 5 Months Follow Up Post Prison).

She found this to be very distressing, and Smith (2006: 471) argues that even ‘short durations of isolation (hours or days)...can provoke a number of quite drastic reactions and symptoms’. Despite her protestations the prison staff ignored Ursula, and she was given no opportunity to appeal the decision to separate her from the other women. Sykes (2007: 291) argues that

the frustration of the prisoner’s ability to make choices and the frequent refusals to provide an explanation for the regulations and commands descending from the bureaucratic staff involve a profound threat to the prisoner’s self image because they reduce the prisoners to the weak, helpless, dependant status of childhood.

The infant status of female prisoners is a theme developed in earlier studies, the treatment of ‘women prisoners as wayward children’ is often discussed (Clark, 1995: 313). This return to childlike status and removal of roles and responsibilities was reported by many of the women interviewed.

“We’re locked in most of the day, we’re told what to do all the time, it’s childlike treatment, they talk down to you, officers have to respect you to get respect back” (Dalia, 11 Months Post Prison).

“They all had their own little regimes and if you didn’t do something like line up properly it was like they used to tell you off and not just speak to you in private, it used to be in front of everybody to humiliate you, it was just the most horrendous place” (Una, 1 Month Follow Up Post Prison).

In their research Gender and Players (1990: 52) found that the women ‘missed their freedom to act naturally and express their emotions’. It is suggested that this treatment goes against any rehabilitative efforts within the prison, which may be problematic for the women’s mental health and reintegration. ‘For the adult who has escaped such helplessness...to be thrust back into childhood’s helplessness is even more painful, and the inmate of the prison must somehow find a means of coping with the issue’ (Sykes, 2007: 292). The previously discussed formation of friendships is likely to be a way in which the women coped with this and the final pain of incarceration.

#### *4.2.5 Deprivation of Security*

‘The worst thing about prison is you have to live with other prisoners’ (Sykes, 2007: 292). Pogrebin and Dodge (2001: 535) reported that ‘violence and noise were two factors that made institutional living in correctional facilities a difficult adjustment.’ Many of the mothers reported anxieties surrounding their safety in prison, which has implications for their psychological wellbeing. One mother described how she changed in order to survive:

“when you go to prison it’s a survival, everything is about survival, you have to look after number one, and that number one is you” (Danielle, 8 Months Post Prison).

Again, friendships alleviated the feelings of insecurity:

“had I not made friends it could have been a different scenario for me” (Una, 5 Months Post Prison).

For Una, always being with others protected her from potential bullying and physical harm. However despite the methods to alleviate these feelings of insecurity, ‘the prison inmate can never feel safe’ (Sykes, 2007: 293) because of the threat of others.

“You’ve got to be looking over your shoulder 24/7 because you don’t know what mood they’re in, it was horrible” (Bella, 1 Month Post Prison).

The women interviewed in this research described pains of imprisonment in ways that resonated with Sykes’s five pains of incarceration. However, the harms inflicted upon them ‘were a multi-dimensional and complex phenomena that included contradicting emotions, thoughts and behaviors. These pains were part of a larger group of pains that extended beyond the time and place of prison’ (Soffer and Ajzenstadt, 2010: 491). Sykes’s initial model is a good starting point for an analysis of the impact that first short periods of imprisonment have on mothers, but it can only be used as a starting point. The variety of problems discussed by the women went beyond his original pains of imprisonment. It is suggested that the harms laid out by Ward and Kassebaum (2009: 1) which ‘include the problems resulting from status degradation, changing roles, ego damage, and feelings of guilt, anxiety, fear, and embarrassment’ provide a richer platform from which to analyse the range of ways imprisonment negatively affects mothers during and post-custody.

### **4.3 Pains of Short Periods of Imprisonment**

As previously discussed many female prisoners are only incarcerated for short periods of time, either on sentence or remand. Often the problems they bring into prison and the limited time available to deal with these issues, make these forms of punishment and regulation particularly punitive. Due to their limited criminal records, their non-violent offences, their role as caregivers and often their non-guilty pleas, the women interviewed in this research believed that they had been treated unfairly. They also described the emotions involved in the early stages of their detention and the time required to adjust to the prison environment. However, they also expressed feelings of guilt about leaving their children and a sense of living “in limbo” due to not being able to get on to courses or undertake work in prison. The combination of these feelings made their time in prison often very painful and anxiety provoking.

#### *4.3.1 Feelings of Injustice*

Although most of the mothers admitted committing the offence for which they were imprisoned, they still reported feelings of injustice over how they had been treated by the criminal justice system. The feelings of injustice and guilt were shaped by the fact that they were first-timer prisoners, and only six had previously served a community sentence. Some of the mothers thought people had personal vendettas against them. One felt that the police had it in for them as the amount she had shoplifted was very little. Another mother, whose sentence for non-payment of council tax was later quashed, said she had been tricked by the county council to attend court:

“I was told it was a means hearing, not court, they said they didn't tell me because they didn't think I'd turn up” (Bella, 4 Months Follow Up Post Prison).

The feelings connected to her court experience remained with her for a considerable time and this lack of explanation was at the root of her feelings of injustice. In fact, one of the main grievances conveyed by many of the women came out of misinformation prior to court. One, who was incarcerated for theft, said:

“when I went to see the probation report, I was told it would be either a fine or community service, prison wasn't mentioned at any time” (Danielle, 8 Months Post Prison).

This false hope provided by ‘the professionals’ was something that other mothers also talked about, with one woman saying her lawyer and a police officer gave her different information prior to her being remanded.

“When they arrested me my lawyer said ‘this type of case is minor, you are supposed to go home on bail’, and one officer said ‘don’t worry by the time you go to court tomorrow you’ll be out’...when I went to court they said ‘she should be held in prison’” (Steph, 13 Months Follow Up Post Prison).

It was the unexpected aspect of prison that caused a high level of confusion and pain for many of those interviewed. Although Dalia (11 Months Post Prison) said her sentence “was a bit hasty”, she did not have the same level of feelings of unfairness about her sentence as others, potentially because of her drug use and the fact she was sentenced for breaching a community order. Although she felt a non-custodial sentence would have been more appropriate, for her it was the misinformation provided that caused the most pain.

“I think it was more my solicitors gave me false hopes rather than the actual sentence, so I wouldn’t really say it was an unfair sentence, I think my hopes were built up that I weren’t going” (Dalia, 11 Months Post Prison).

Another mother, who was incarcerated for handling stolen goods, spoke about how she plead guilty on the advice of lawyers:

“my solicitor said ‘plead guilty and get a lesser sentence and you won’t get a custodial sentence, you’ll still be with your children.’ Even my probation officer advised me ‘you’d be better off if you go to a woman’s group, you won’t get a custodial sentence because it’s your first crime’...I just went with it” (Tara, 7 Months Post Prison).

In fact most of the mothers (11 out of 16) pleaded guilty, which as previously discussed should have acted in mitigation when sentencing. For those that did not report receiving misleading information prior to court, many felt they were treated unfairly upon sentencing. The reasons behind these feelings fell into three categories: guilt being already presumed; failure to take account mitigating circumstances; and the non-violent, low-level offence committed. Some mothers described how they felt that their guilt had already been decided before the evidence was heard in court:



“It was all preordained, they already knew the outcome before I even went there... They’d already made their decision” (Una, 1 Month Follow Up Post Prison).

Another mother, who breached her community order, described similar feelings about her sentence having being already decided despite the supporting letters she had from several community organisations, her history of domestic violence and mental health issues.

“They already had me sentenced by the time I went in there, I had a lot of people in there with me for support and they all said the way the Judge was looking, she went away and read the reports but I don’t think she really took it into consideration” (Laura, 1 Month Post Prison).

In line with the Convention on the Rights of the Child (UN General Assembly, 1989) and the Bangkok Rules (United Nations, 2010) both Una and Laura felt the interests of their children should have been given a higher priority:

“they should have taken my children into consideration, what they’ve suffered during their time with their father not being there<sup>66</sup>, also me then being taken away, they’ve already had a traumatic upbringing” (Una, 1 Month Follow Up Post Prison).

Laura said on several occasions that her human rights had been breached because of the affect prison had on herself and her children. Two of the mothers with infants, Steph and Bryony, felt the young age of their children should have prevented their custody. Steph was also pregnant at the time and she felt she was unfairly remanded because the police already had her passport stopping her from leaving the country.

Another mother, Ursula, thought it was unfair to be remanded because she had not intended to offend. She felt ‘friends’ had deceived her and had taken advantage of her limited English. The fact that others who had been involved in the offence, of making false benefit claims, had not been remanded into custody added to her sense of injustice<sup>67</sup>. In line with the existing literature, several of the women described how their pathway into crime had been because of others rather than out of choice. Una (1 Month Follow Up Post

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<sup>66</sup> The children’s father had previously been in prison.

<sup>67</sup> They were eventually given longer sentences than her, reflecting the fact she played a minor role in the offence.

Prison) who was sentenced for underestimating her earnings, said it was her ex-husband who completed the forms, and that she did not read the document fully before signing it:

“I’ve not set out to deceive anyone, I didn’t even knowingly commit a crime, as far as I’m concerned, and that wasn’t looked into.”

Many believed that a non-custodial sentence, without the need to separate them from their children, would have been more appropriate and effective:

“there should be some support system in place, especially women with children where if you are addicted to drugs there’s an alternative to prison that can help you get clean...and obviously if you don’t do that then prison” (Dalia, 11 Months Post Prison).

“I feel that they could have either suspended it and given me the rehab as well, and then fine if that didn’t actually work and I’d broke the rules or whatever then I would go to prison” (Tanya, 5 Years Post Prison).

Tanya listed several reasons why she felt custody was too punitive and unfair:

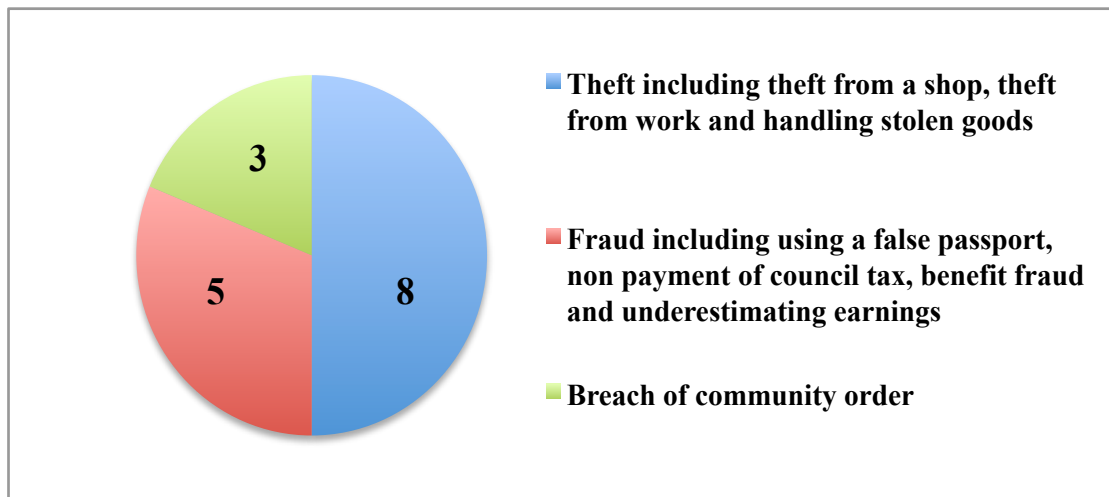
“the simple fact is I pleaded guilty, I handed myself in, probation were pushing for rehab and everything else, it was my first offence” (Tanya, 5 Years Post Prison).

As a result of her guilty plea she said she was asked no questions and the magistrates took 15 minutes to decide her sentence for handling stolen goods. The first offence was an important mitigation mentioned by the majority of the women. There was a general feeling that they had been denied the opportunity to be punished in the community, the first time they made a mistake they were given the harshest sentence available to the courts, the deprivation of liberty.

“It was my first offence I’ve never committed anything, no caution or anything, not even a spot on my driving licence...I come from a strict Muslim background, and it all happened through domestic violence...nobody wakes up and decides to be a criminal” (Tara, 7 Months Post Prison).

Many also maintained they had been unfairly treated because they felt their offences were not sufficiently serious to warrant a custodial sentence.

“Even my support worker was so shocked that I got sentenced because it’s not as if I went out and robbed someone” (Laura, 1 Month Post Prison).



**Figure 3: Offences for which remanded in custody or sentenced to imprisonment**

It was expected that those with previous convictions who had received an opportunity to rehabilitate in the community, would have reduced feelings of injustice, however mostly this was not the case. Only one of the mothers with a previous conviction described how she had already been given a chance to desist offending. She felt her criminal record meant prison was likely:

“I was expecting to go to prison because this is the law, so I breached the law so they definitely had to consider prison” (Debbie, 1 Month Follow Up Post Prison).

In contrast, one mother who had previously served a community order and was remanded for theft was quite flippant about the seriousness of her offence:

“it’s hardly drug smuggling or murder” (Natasha, 2 Years Post Prison).

Likewise Dalia (11 Months Post Prison) felt despite her previous convictions her offence did not warrant a custodial sentence:

“none of them are violent, it’s all just dishonesty, it’s to do with drugs and stuff like that so, I mean I haven’t got a long criminal record.”

However she felt that although she had previously been punished in the community she believed that the courts did not explore other sentencing options.

“A lot of people have been given community service, doing work in the community, but I’ve never been given a chance to do that” (Dalia, 11 Months Post Prison).

Another mother who also had a criminal record described what she felt was disproportionate sentencing when she was convicted of theft.

“I’ve lost four months with my son, I’ve lost my home, for 18 quid...and that cost the government how much? It doesn’t work does it” (Donna, 1 Month Post Prison).

It would appear that for most of the women interviewed, previous convictions did not dramatically affect their feelings of injustice in comparison to the other women.

Interestingly Donna was more reflective about her sentence in a later interview:

“I’ve thought about it, I’ve done theft of other things, not just alcohol, food and the rest of it, got a slapped wrist...so I can see where the Judge was coming from now. I’d had my chances and I took the piss” (Donna, 6 Months Follow Up Post Prison).

This highlights the importance of repeat interviews, to get a deeper understanding of the thoughts and concerns of these women.

Previously it was argued that the creation of friendships provides support during periods of anguish, however it is suggested that identifying with other women may worsen their experience, as emotions are reflected back at them, exacerbating feelings of injustice. Tara described how her feelings about her offence was confirmed by what prison officers and other prisoners said:

““what are you doing here? You’re not supposed to be here’...I guess I was one of the unluckiest ones” (Tara, 7 Months Post Prison).

It is felt that those working in prison should address reinforcement like this; continual encouragement of these feelings of unjust treatment may be detrimental to long-term psychological wellbeing. It is important to consider the extent to which these women take

accountability for the actions that resulted in their incarceration. Many adopted what Matza and Sykes (1957) described as techniques of neutralisation: blaming others and seeing themselves as a victim; believing the offence did not involve a victim because it was non-violent; and blaming people in positions of power for what they considered to be overly punitive and unjustified punishments. However as will be discussed later, after the initial feelings of injustice a few of the mothers reported blaming themselves and living with feelings of guilt for being bad mothers.

#### *4.3.2 Fear of the Unknown*

As all of the mothers in this research were first-time prisoners, in line with the literature (Jacobson et al., 2008) the majority expressed deep anxieties about the unknown when they were first remanded or sentenced and described undergoing a form of ‘role dispossession’ (Devlin, 1998: 27). This unfamiliarity was described as a very frightening aspect of their imprisonment, with several fearing for their safety or sanity. Many of the mothers relayed their sense of disbelief when they were sentenced in court:

“I wasn’t mentally prepared and when I was sentenced it was a big shock”  
(Danielle, 8 Months Post Prison).

The shock prevented her being able to listen and retain what was said.

“The Judge was talking, it was like I was there, but in a different universe...I was laughing and they were crying (in the gallery), and my ex-husband looks at me, ‘what are you laughing for? You’ve been sentenced’. It was a shock, after that I remember the guard coming and taking me down with the handcuffs” (Danielle, 8 Months Post Prison).

She was not alone in not recalling what had been said in court, and several of the mothers said that they would like to see the transcript of their hearing, which they thought might help with their feelings of injustice if they received an explanation for why custody was deemed necessary. This is currently something unavailable to prisoners, and in fact has to be requested and paid for<sup>68</sup>. Danielle also described the impact of the police cells:

“they don’t take you straight to prison they take you downstairs to a cell...in there I was having all these imaginations about how I can kill myself, how I

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<sup>68</sup> Through companies like MMG (2012).

can take my suit and top off and tear it, I even spotted a place where I could hang myself” (Danielle, 8 Months Post Prison).

Another mother told of her journey to prison:

“I cried my eyes out on the bus there, it was awful, the worst, I’ve never ever felt so down in all my life” (Dalia, 11 Months Post Prison).

In line with the literature (Jacobson et al., 2008; Liebling et al., 2005), several of the mothers described how the first night was the most difficult, because they could not speak to their children:

“I wanted to know how they were coping and I had one phone call and it went straight through to my ex’s answer machine so I still couldn’t know how they were feeling” (Marie, 9 Months Follow Up Post Prison).

Steph also explained her overriding urge to speak to her child’s caregiver, and her anger when no-body picked up. It is suggested that concerns regarding the new environment and the welfare of their children links with the women’s description of the psychological harm during their early stages of incarceration. Jacobson et al., (2008: 25) suggest that

the services prisoners receive on arrival to prison should be focused on addressing urgent problems the prisoner has left unresolved outside. Helping the prisoner to manage these problems may be a key to reducing their distress in the early days of custody.

Devlin (1998) reported that many working in women’s prisons thought a few days in custody would deter first time offenders. The prisoners she interviewed also said the first few days of incarceration were the worst, but that over time they mostly became accustomed to prison life. However, it appeared to take longer for those interviewed in this research; more time was required to adjust to their new surroundings, the other women and the noise.

“There used to be this one girl who had to leave the tv on all night, I used to have to wait until she fell asleep so I could turn the telly off so I could go to sleep myself. It used to drive me mad” (Dalia, 11 Months Post Prison).

“There was a girl in another cell who was constantly screaming and banging and smearing her poo all over the walls’ (Laura, 1 Month Post Prison).

After receiving confirmation that her children were dealing with the separation things continued to be difficult for Marie early on:

“the first couple of weeks I could understand why people would want to kill themselves...When they first shut the door I thought I can’t do the next four months behind these bars and being searched and it was degrading, and I’ve never been in trouble in my life...I didn’t stop crying...I couldn’t eat, I’d stick it straight in the bin” (Marie, 5 Months Post Prison).

Many of the other mothers described how the first weeks in prison were the hardest:

“the first two weeks were awful in here, the stigma, the cells, even the officers, but with time it dies” (Maggie, 1 Month in Prison).

The lack of meaningful activity for those on induction and the amount of time spent in their cells as highlighted by a recent HM Inspectorate of Prisons report (2010) may have contributed to this difficult time for the women. Other mothers said the adjustment period was longer:

“the first four weeks were the hardest weeks, but then you get on with it and do your time and get your head down” (Bella, 14 Months Follow Up Post Prison).

She managed better after the first month because she saw her children get into a routine, her overwhelming desire, or need, to mother meant she could only settle in prison once she was reassured that her family was coping. Interestingly, Tara said being told that this time was the most difficult reassured her.

“A lot of the women said their first month was the hardest, so I relied on the people who’s been in there. Every time I used to get upset I thought, it’s only going to be a month that I’m like this” (Tara, 7 Months Post Prison).

Knowing she was not alone in struggling during the early stage helped, she received reassurance that she was not overreacting to her situation and it confirmed her emotions were normal. Another mother also reported how she began to feel better about her situation when she spoke to others:

“you realise there are people who are in a lot worse situations than you in there, I mean the girls that had their kids adopted and stuff like that, and I

just thought my kids are still with my mum and dad, I can still see them when I get out, these girls can't" (Dalia, 11 Months Post Prison).

New prisoners are initially separated from the general population, either on an induction or detoxification wing. Tanya described her anxiety about moving to the main prison:

"the fear of going up on the landing was more frightening than (actually being on the landing)...but once I settled onto a landing and I was working in the kitchen...it just became a way of life" (Tanya, 5 Years Post Prison).

Again for this mother it was the unknown that caused her the most anguish. Other mothers also described feeling more settled once they formed a routine, having activities to fill their time:

"when everything started kicking in and I was more busy and more tired in the evenings and I had so much homework to do" (Tara, 7 Months Post Prison).

It could therefore be argued that those in prison for less than a month do not have the time to adjust, and leave with vivid and unresolved anxieties. Three of the mothers interviewed in this research spent less than four weeks in custody, and it was one of these mothers, Laura, who particularly struggled with on-going mental health problems.

#### *4.3.3 Feelings of Guilt*

It is reported that compared to men, women have closer ties to conventional legality and they feel shame about both committing an offence and its discovery. The literature suggests that it is this embarrassment that may make the prison experience more painful for women (Ward and Kassebaum, 2009). According to Enos (1998: 63) 'children represent both a "normal" part of an offender's life and yet define her as not only a law violator but as breaking gendered expectations that her children will be her primary focus. The charge of "unfit mother" is easily attached to women inmates'. However this research found that the mothers' feelings about the process of incarceration, their sense of injustice and fear of the unknown, appeared initially at least, to supersede any sense of shame. However, for some this changed with time, and they then had to address the emotions related to both the embarrassment and guilt about their detention and separation from their children.



Admitting feelings of guilt or humiliation about the offence was something rarely discussed by the women. Likewise, very few spoke about guilt that was triggered by the burden they had imposed on others outside. This may have been due to the fact that any such burden would be for a short time or because it was the first time they had found themselves in this situation. For the majority, particularly those who had served community sentences, there was little reflection on what role they had played in their offending, including what they could have done differently. However, some of the mothers discussed feeling that they had failed their children.

“When you’re in prison you feel useless. If I’m outside I can look after my son, I can spend time with him, I can help him as a mother” (Ursula, 5 Months Follow Up Post Prison).

“Obviously I blame myself because I didn’t have to take the drink” (Laura, 1 Month Post Prison).

This was the only instance that Laura appeared to take responsibility for her actions, for the rest of the time she always described herself as the victim. Soffer and Ajzenstadt (2010: 501) found that in their research, ‘in such a value-laden socio-cultural climate, the women not merely felt the pain of separation; they felt that they were worthless as human beings because they cannot adhere fully to the ideal of hegemonic motherhood.’ There was little evidence that the mothers interviewed felt this level of guilt, but the guilt surrounding the separation from their children was certainly a painful issue for some. In fact, often these feelings of guilt and on-going anxiety were triggered by media coverage. They possibly experienced ‘double deviancy’ as they were seen by wider society as being bad mothers as well as being criminal women (Carlen, 2002):

“I was in the papers, it was awful: ‘Heroin Addict Mother of Two’...My mum was so humiliated...that really upset me that did because the whole of the town saw it” (Dalia, 11 Months Post Prison).

However, this was not the only time Dalia was made to feel guilt, she also spoke about her prison drug course:

“I used to go back to my room and I’d feel 10 times worse...you don’t need to be told that what you’ve done is wrong, you know it’s wrong otherwise you wouldn’t be there” (Dalia, 11 Months Post Prison).

Some of the other women spoke about shame exposing others to embarrassment, for example Tara described her feelings of guilt when one of her daughters learnt about her offence. She recalled a telephone conversation from prison:

“‘mum the social worker said you’re in the newspaper’. That was horrible...I was like I’ll just leave it, taking that on will just be more depressing, but to hear it from your own kid” (Tara, 7 Months Post Prison).

It was possible that the social worker had told the children to prevent them hearing elsewhere, however for Tara, who already had a strained relationship with social services, it was a further betrayal by those supposed to be looking after her daughters. This was an additional and potentially avoidable pain attached to her imprisonment. Many of the mothers avoided the subject of guilt in the interviews. This raises the question of whether guilt is something too uncomfortable to discuss within the interview setting. Or whether the negative feelings about their incarceration prevents this or that the externalisation of responsibility and the use of the techniques of neutralisation were easier.

#### *4.3.4 Living in Limbo*

For many of the mothers another aspect making the short period in prison especially difficult was that often there was not enough time to do anything meaningful. One mother on remand wrote a letter one month after she was interviewed:

“I’m still in the same situation, I miss my children, I miss my family. I do very little here, I’m waiting to hear” (Ursula, 2 Months in Prison).

Several of the mothers discussed how their short prison stay affected their ability to attend education and gain qualifications, which they thought might help them post release. In contrast to the existing literature many in this research were offered opportunities to engage with prison education, however most reported delays enrolling on specific courses, and not having time to gain qualifications<sup>69</sup>. A few chose not to attend education:

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<sup>69</sup> While waiting for the women interviewed in prison to arrive in education it was noted that once the register for a certain class was full the women had to either go back to their wing, or wait and potentially be reallocated to another class, which they had to be

“I was going to take everything on, and I thought hold on a minute I’m here for three weeks I’d rather get to the gym and swim” (Laura, 1 Month Post Prison).

“If there was spaces available on the courses that you wanted to do and the system was quicker to get into them so you actually had the time to do the whole class I would have gone to education...but most of the time the classes were cancelled anyway” (Tanya, 5 Years Post Prison).

In contrast, many decided they would go to education despite being unable to achieve as much as they would have liked.

“I did pottery but I only just started it, I didn’t get a certificate because of the short period of time. They said it would take about six weeks, so I could have had it if I’d been there for two months...If I had more time I would have achieved so much more” (Debbie, 1 Month Follow Up Post Prison).

“I couldn’t do most of the courses, like the health and safety one which would have been good for here<sup>70</sup>, but there was only space the day before I was coming home, so I couldn’t do that one...I think my sentence was too short for their turnover” (Una, 1 Month Follow Up Post Prison).

For Donna rather than just doing these courses to pass time in prison, there were practical advantages.

“I would have loved to have done the DIY<sup>71</sup> I know it’s silly but when you’re a mum on your own with a kid...I think it was a six-week course, but the waiting list was huge” (Donna, 1 Month Post Prison).

There would have been a real benefit to this mother to attend this course, but a consequence of her short sentence meant she did not take this experience back into the community, and could not use these skills to benefit her life as a single mother<sup>72</sup>. This raises the question of whether educational courses could be redesigned to be much shorter, so rather than a six week DIY course, the women are taught basic skills for example how to use a drill or how to change a tap washer in one lesson or a day. These could benefit all

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registered for. This caused a lot of frustration, which the prison officers at the education gates dealt with fairly empathetically and discussed their annoyance at being unable to place them in another class.

<sup>70</sup> Her partner ran a wholesalers which Una worked in prior to and after custody.

<sup>71</sup> The provision of DIY classes at all in female prisons appears to contradict the previous work by Bosworth (1999) who argued that in prison female stereotypes prevented this group from learning trades that could be used post-custody.

<sup>72</sup> In reality these skills would not have assisted her as a mother as she was one of the few who did not regain custody of her child.

prisoners, but especially those who were incarcerated for the shortest of times who are unable to do entire modules.

Another mother mentioned a course that she thought would benefit her children:

“I wanted to do the cooking, but I weren’t there long enough, I’m a rubbish cook that’s why I wanted to learn. I tend to do a jar, I don’t make spag bol from fresh it’s always Dolmio stuff” (Dalia, 11 Months Post Prison).

Cookery was a popular choice for the women, however the very long waiting lists were not conducive to the short time they had in custody. Again, home economics classes could be modified, so that the women could be taught how to make a meat sauce, or how to use leftovers, in hours instead of weeks. Rather than focussing on qualifications, women would be provided with essential household skills. Another mother felt that people serving longer sentences got preferential treatment, due to their ability to complete the courses, which would look better for prison inspections:

“It took ages, there was this preference over people who had been going for a lot longer that always got in... They got preference over everything” (Una, 1 Month Follow Up Post Prison).

Education was something that many of the mothers interviewed regarded as being beneficial, however short sentences do not appear to adequately support the needs of both women with, or without qualifications. One mother said illiterate women receiving short prison sentences would not be helped:

“there’s no way people on the shorter sentences can actually if they couldn’t read or write they wouldn’t be able to do it in the time” (Tanya, 5 Years Post Prison).

Likewise, two mothers with previous qualifications wanted to use their time to build upon these qualifications, but both were told this was unrealistic:

“I applied for Open University, but I was told that my sentence was too short and the funding body wouldn’t fund for short sentences” (Danielle, 8 Months Post Prison).

Another irritation with the limitation of provision for those on short sentences was displayed when some of the women talked about the difficulty of finding employment in prison. One mother described her excitement when she got a job after two months in prison:

“this is keeping me busy and making me feel useful...I’m very lucky”  
(Maggie, 2 Months in Prison)

A critic could argue that these women should not be entitled to work in prison, given the current unemployment rate of 6.9% in the UK (Office for National Statistics, 2014). This is not a specific pain of imprisonment. However for many of these women a job meant significantly more than just work, it provides distraction from the prison environment and also provides money to obtain credit to phone their children. The most valued, and highest paid jobs in prison become available very rarely, often requiring skilled workers. Una explained the problem she encountered obtaining work in the kitchen.

“They were only taking on two people...but I wasn’t there long enough, I would have liked to have taken an NVQ, but you have to be there for a minimum of six months” (Una, 1 Month Follow Up Post Prison).

For remanded prisoners, access to work was particularly difficult.

“I wanted to work there but they didn’t allow you to because they didn’t know how long I’d be there” (Louise, 1 Month Follow Up Post Prison).

This appears to be contrary to the intention of the Prison Service Order 4460 (2000: 2.1.1), which states that ‘unconvicted prisoners can work if they wish.’ Louise also struggled to get help for her alcohol addiction because of her remand status:

“they had an alcohol group but I only attended once...I wasn’t there for long those groups want people who have been sentenced, so they can work with them for the long term, so they told me after I had been sentenced I could see somebody” (Louise, 1 Month Follow Up Post Prison).

However she eventually received a suspended sentence and therefore never engaged with these services in prison. Other women who had been sentenced also struggled to get this support because of their short sentences. One mother without an addiction articulated this:

“I do believe when doing a short sentence they detox you off alcohol physically but there is no psychological support at all” (Maggie, 1 Month in Prison).

Another mother said she was never offered any substance misuse programs or the support of a CARATs<sup>73</sup> worker:

“I wasn’t in there long enough for any of that, I just went to the first stay wing and they moved me after a week” (Natasha, 2 Years Post Prison).

Quite a lot of the women discussed issues with future accommodation and a lack of provision for help with this in prison.

“I did think prison was going to help me, everybody in there was like ‘don’t worry about it, you’ll get housing, you’ll get housing’. You don’t, you’ve got to be in there for 12 months minimum before they will give you housing” (Donna, 1 Month Post Prison).

As she served her sentence before the Offender Rehabilitation Act (2014) Dalia described her frustration regarding the lack of probation support that she received and therefore why she did not think short sentences were beneficial.

“People who are doing the longer sentences you get let out and you’ve got the support when you get out. I was released and I was thrown back into the community, no support or nothing...all I had was a licence basically” (Dalia, 11 Months Post Prison).

It is important to note that these negative experiences do not mean that longer sentences and post-custody supervision provide the solution, but that if short sentences persist, quicker or tailored interventions to help these women should be introduced.

Despite the problems with short lengths of imprisonment, two of the mothers mentioned ways in which they were comparatively less harmful than longer sentences. One mother felt that it would have been more psychologically damaging if she had been incarcerated for longer:

“I think if I’d have got something like six months I would have ended up starving myself or something, I couldn’t imagine that, the children would

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73 Counselling, Assessment, Referral, Advice and Throughcare.

have had to have gone over to Spain<sup>74</sup> and I've never been without my kids” (Laura, 1 Month Post Prison).

Her short sentence length meant that temporary childcare plans could be implemented, whereas if away for longer, her children would have moved abroad to live with her sister. Donna also gave reasons why she felt her short sentence was preferable. She suggested that her short length meant she stayed out of trouble and conformed, whereas if she had served a longer sentence she would have nothing to lose. She also felt a longer sentence would have been worse for her job opportunities:

“If you declare it, it's going to have an impact...I didn't declare mine because it was only short and it was nothing as far as I'm concerned...but someone that's just done nine years for example, how are you going to explain that?” (Donna, 6 Months Follow Up Post Prison).

For her, it was a short enough time for her to suggest, or lie, to her employers that she had been in college during these months.

Despite these examples the overall inability for these women to engage with services within the prison to improve their situation created a significant amount of frustration. For many, prison was problematic because it did not deal with the issues that led to their incarceration or help them better themselves. Although in line with the literature, it was often the initial period of separation that was especially painful, some described a sense of guilt about how their actions had resulted in their separation from their children. However for most the main problem with their incarceration was caused by its brevity, which prevented them from taking advantage of opportunities in prison.

#### **4.4 Issues in Custody**

Consistent with the literature the mothers in this research described a series of pre-existing problems with accommodation, employment, finances, mental and physical health, and addictions (see Appendix 3). Rather than being assisted with these vulnerabilities in prison, they repeatedly conveyed a lack of support and often an increase in the depth of the problem as a result of custody (see Appendix 6). Most felt that these pains or deprivations of prison would have long-term negative consequences for both themselves

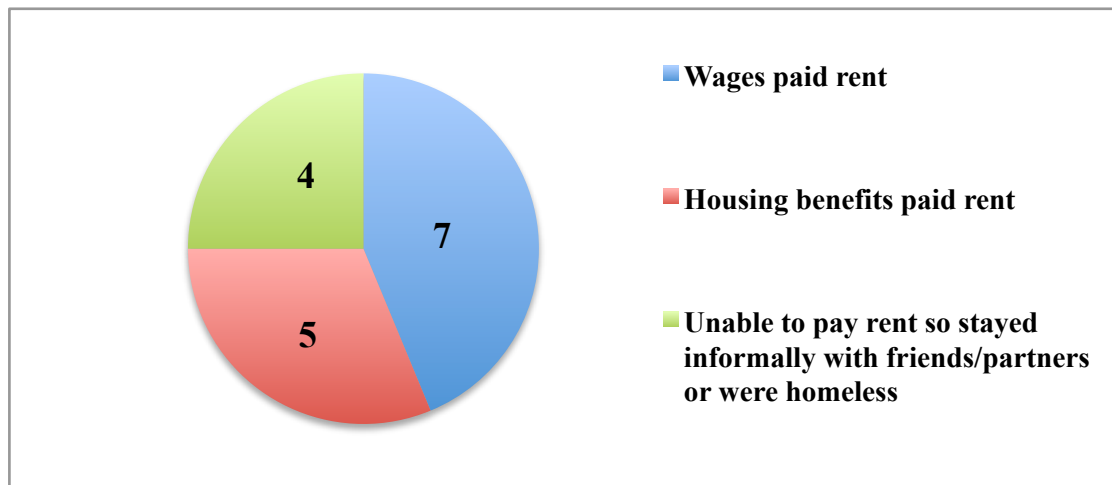
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<sup>74</sup> Her sister who looked after her infant lived in Spain.

and their children. These issues will now be examined individually, looking at how they relate to the pains described by both Sykes (1958) and Ward and Kassebaum (2009).

#### 4.4.1 Accommodation

As previously discussed, housing instability is common amongst female prisoners, and their deprivation of liberty has the potential to worsen these problems post-custody, which may have negative implications for custody of children and also future employment.



**Figure 4: Stability of accommodation prior to their arrest**

As can be seen from Figure 4, housing was often problematic prior to arrest; over half of the mothers were unable to pay from an earned income. However, most thought that their accommodation had been negatively altered by their incarceration. Despite this there was a general consensus about the practically non-existent support in prison, in the form of assistance or advice about retaining existing, or securing future accommodation.

The few mothers unconcerned about future accommodation felt this way for different reasons. Both Una and Maggie's respective partner's continued to care for their children in their home and supported them through their own income. Ursula was Bulgarian and stayed informally with a friend because she was not entitled to benefits, however she said she had the right to work in the UK<sup>75</sup>. As a result of her low income she could not afford

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<sup>75</sup> According to the Citizens Advice Bureau (2014a) previously Bulgarian and Romanians had the right to reside in the UK if they 'were working in authorised employment and had registered with the Workers Authorisation Scheme or had completed 12 months' authorised employment with fewer than 30 days of non-working time within that period.' However in order to receive income support



to pay rent, so in return for accommodation, for herself and her son, she carried out child-minding duties. When asked whether those working in prison offered her any help to improve her living arrangements she said:

“No, how can they help? I’m not British” (Ursula, 2 Months in Prison).

Another mother said her housing was unaffected by prison because she would continue to be homeless once she was released because she was a failed asylum seeker<sup>76</sup>. Debbie’s unstable accommodation, sometimes being street homeless, had already resulted in her losing custody of her son, and for her, nothing could compare with that pain.

“My life has already been taken because this solicitor said let him go, it’s not because I’m not a good mum that he’s been taken, it’s because I don’t have nowhere to stay” (Debbie, 1 Month Follow Up Post Prison).

As already discussed in the literature review, those in receipt of housing benefits prior to their incarceration can receive this if they serve up to 13 weeks on sentence and longer if they are on remand (Shelter, 2010). One mother described her relief when she was sentenced to less than the 13 weeks, she said if she had served longer:

“I would have lost my flat, and if my ex-husband wasn’t willing to take my son, then he would go to care” (Bella, 1 Month Post Prison).

However, it did not appear that housing authorities always adhered to the regulatory period. For example Donna lost her council tenancy despite only serving 12 weeks, possibly because of outstanding debt<sup>77</sup>, and there was a lot of confusion over the eligibility period. One mother thought her benefits would be paid up to 21 weeks, another was told by a prison officer that benefits stopped after one month even if on remand, and another was told by a social worker that she would lose her accommodation despite only serving three weeks. This lack of autonomy and these misunderstandings caused additional anxiety and fear for these women during their imprisonment. It could easily have been

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or housing benefits they need to pass the habitual residence test (Citizens Advice Bureau, 2014c). Since January 1st 2014 they no longer need to register with the Authorisation Scheme and have the same rights as other EEA nationals to live and work in the UK.

<sup>76</sup> Debbie said she was refused asylum status due to being unable to pay for legal representation.

<sup>77</sup> According to Winchester County Council (8th April 2014) ‘there is a statutory period of Notice before someone on a secure Council tenancy can be served with a Notice to Quit, this is four weeks rent. If there is already an outstanding debt for rent this will also be included in this figure. Before the Council can take possession of the property there must be a County Court order in place to do so and this can only be enforced by a County Court bailiff’.

resolved by a better distribution of accurate information within prison. For example, Dalia thought she might lose her local authority accommodation.

“That was the biggest problem that I was worried about when I first went to prison, am I going to lose my house?” (Dalia, 11 Months Post Prison).

This would have resulted in her having to start “from square one again with the housing” (Dalia, 11 Months Post Prison). Her anxieties were heightened as she was unable to find out whether she was able to keep her home until she was released. For her this was the most severe pain of imprisonment, as it would affect whether her children would return to her. Conflicting information also caused Laura to worry about losing her council tenancy. She asked prison staff for advice, but received very little support:

“I was worried about my room; they could have helped me with that. No one helped me with that inside, I learnt not to rely on them” (Laura, 1 Month Post Prison).

Likewise, another mother also reported receiving little advice or support despite asking:

“in the prison most of the time it’s like they don’t know what they’re doing” (Danielle, 8 Months Post Prison).

She would have lost her privately rented flat if she had not been able to persuade her sister to take on her tenancy agreement and look after her son. This demonstrates how those not in social housing but paying a private landlord<sup>78</sup>, did not enjoy the same period of protection and were therefore potentially more at risk of losing their accommodation. Another mother, Steph had previously come to the UK on a working visa, however now had a right to reside because her infant had British citizenship (Citizens Advice Bureau, 2014b). Prior to her incarceration she and daughter had lived in a privately rented flat paid for with her earnings. This accommodation was lost whilst she was in prison because she could not afford to pay her rent and she only received child tax credits and child benefits because of her ‘right to reside’ status (Citizens Advice Bureau, 2014c). The uncertainty she faced regarding her housing post-release caused her so much concern that she asked the prison staff to keep her in custody until accommodation could be found. Inevitably this was refused, but the housing advice team said that a social worker would arrange housing

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<sup>78</sup> The private landlords were paid through the women’s wages, through choice or through not being entitled to benefits.

after two weeks if she went and stayed with a friend. In contrast whilst Louise was remanded she was worried that she would lose her privately rented home as she also could not pay the rent. In the event, she could not get hold of her landlord whilst she was incarcerated, so did not know the outcome until she was released.

Many of the women interviewed could have been released early on Home Detention Curfew (HDC)<sup>79</sup>, however one of the eligibility criteria is to have suitable probation approved housing into which the monitoring equipment can be installed (Prison Service Order 6700, 2010). Stable housing is something that several in this research lacked. Donna discussed her hopes to be released early on HDC with the help of the prison housing advice team. However her early release was refused because suitable accommodation could not be found, at which point the housing team no longer offered her any assistance. This is an example of the desperate situation in which many female prisoners find themselves, often without the resources to better their lives and dependant on others for support or advice. They lack autonomy as they are at the mercy of rules and regulations.

Several of the women were also upset about losing their possessions as a result of their loss of accommodation, however they were offered no assistance in prison for this. As previously mentioned Louise did not know whether she would lose her privately rented home and her belongings in it whilst she was on remand. She described these concerns and how she responded to this uncertainty.

“I thought I was going to lose it so when I went to prison I told my friend to move all my stuff in case, because there was this lady in prison who was a private tenant and she lost everything, the landlord took everything out” (Louise, 1 Month Follow Up Post Prison).

In contrast Tara knew she lost the accommodation that she had lived in with her children, as she could no longer afford the rent whilst incarcerated. Due to not expecting a custodial sentence no arrangements had been made for her tenancy or the protection of her possessions when she attended court. However her landlord sold the more expensive items of furniture to pay the outstanding rent required as part of her tenancy agreement and for

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79 ‘Under section 34A of the Criminal Justice Act 1991 (as amended by sections 99-100 of the Crime & Disorder Act 1998), prisoners serving sentences of three months or over but less than four years, and who are not subject to a statutory exclusion may be released on licence after serving a requisite period, determined by their sentence length’ (Prison Service Order 6700, 2010: 6).

the storage of some items. Therefore whilst in prison she was not concerned about her possessions, but only her housing situation following release. Like Tara, Marie had been living with her children prior to custody, but was in receipt of housing benefits having lost her job after her arrest. However the payments stopped because she spent three and a half months in prison, and consequently she lost her tenancy. Therefore she arranged to store some belongings in a friend's garage. Without this intervention and informal assistance these women would have lost all of their personal possessions.

The interviews with these women demonstrate the variety of problems with accommodation and possessions with which they had to deal as a result of being in prison. For many, these issues would be re-occurring problems post-custody, and raise the question of whether this morally significant harm is proportionate to the original offence. Although accommodation was a deep concern for many interviewed, the majority knew whether it would be an on-going problem when they were released. In contrast, employment was cited as an unknown entity by many of the mothers, they were unsure whether they would be able to secure employment with a prison record, and therefore this was a very different anxiety whilst in custody.

#### *4.4.2 Employment*

Based on the existing literature on female prisoners, it was expected that future employment would not be a major concern for those interviewed, as they would be more focussed on accommodation. However the interviews appeared to contradict this. Twelve of the women were working prior to their arrest and there was a strong sense of the importance of employment even though housing was also major concern. For many not being able to find gainful employment post-custody was a real, tangible pain that related to their loss of liberty. Those who did not express a concern were mostly already unemployed and did not intend to find work when they were released. Many reported that future unemployment meant they would struggle financially to pay for accommodation or pay off pre-existing or prison-accrued debts. For these women, therefore there was a strong link between unemployment and the stigma of prison. Yet despite their concerns, as with problems with accommodation, most women interviewed said they received no or limited help or advice in prison regarding future work.

A common concern expressed by the mothers whilst they were incarcerated was the impact a prison record would have on their job opportunities:

“people aren’t going to say come on, come and work for us!” (Una, Less than 1 Month in Prison).

One mother who had lost her job as a hospital cleaner as a consequence of being remanded said:

“I cannot help my children<sup>80</sup> or myself, it’s going to be hard after prison, I don’t even know if I can find a job, how will I pay my bills?” (Ursula, 1 Month in Prison).

For another mother, who previously worked as a nurse, her sentence for theft at work had removed any possibility of returning to the same employment when she was released:

“This prison sentence has destroyed my life so many things I’ve worked so hard for over the years. I worked hard at my career progression...It’s had a very terrible impact on my life, all I wanted to do in life was be a nurse and that’s been removed” (Maggie, 1 Month in Prison).

Although she had offended she maintained that there was a lack of proportionality in relation to the collateral or unintended pains of imprisonment. For Maggie, her pre-existing role as both a mother and a nurse was crucial. Being incarcerated had removed both of these key aspects of her life, and for her the biggest pain of imprisonment was her loss of identity and status degradation. It is suggested by Ward and Kassebaum (2009: 9-10) that as a result of prison ‘former identities become meaningless’ they ‘are seen as accidental or illusionary’.

Other mothers discussed the link between future employment and recidivism. When asked what she thought would help reduce her likelihood of reoffending Bryony (3 Years Post Prison), who was remanded for working with a false passport, said

“having a job, that’s what I want to do, that’s what got me here in the first place.”

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80 Ursula only had one child under the age of 18, however she also had an older son who she continued to support.

Interestingly, Louise was also remanded because she was working illegally, however neither received advice for this whilst in prison. There is a need for clear practical advice, or links with organisations like Hibiscus to offer support with immigration matters. The comment that the prison authorities: “haven’t been very helpful at all” (Ursula, 1 Month in Prison) was repeated by both those entitled and unentitled to work in the UK. However, one mother said the prison provided training on declaring criminal convictions when completing job application forms. Bella was however, the only woman who reported receiving positive assistance in how to secure post-custody employment; everybody else spoke very negatively about the lack of provision. Ironically Bella’s sentence was later quashed so she was one of the few women, along with those only remanded, who would not be required to declare her time in prison.

Although the potential to gain qualifications in prison could help with finding future employment, some of the mothers, who had taken advantage of the educational and training opportunities and therefore spoke with authority, said despite this they felt their incarceration would prevent them finding work. Steph obtained a health and social care qualification in prison, however she was still concerned about her future:

“because of my criminal record I probably cannot work or anything...I don’t think I can use my NVQ<sup>81</sup> because of prison” (Steph, 13 Months Follow Up Post Prison).

This was a real concern for this mother whilst she was incarcerated, as she knew she would struggle to financially support her infant if unable to gain employment post-custody. Two mothers were more optimistic about their opportunities, both Louise and Donna knew they would be unable to return to their previous jobs, but hoped to use their prison qualifications to find alternative work. The unknown dimension to future employment caused a deep level of anxiety to many of the mothers during their time in prison, due in large part to the lack of practical assistance provided. Employment was one aspect of their lives they could do little about whilst inside. This was something that in most cases had to be dealt with upon release.

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81 National Vocational Qualification.

#### *4.4.3 Financial Difficulties*

In the literature review it was argued that many female prisoners have difficulties with debt prior to custody, and that often issues are worsened during incarceration. Financial problems were a common theme in the interviews, many of the women had concerns with finances while they were in custody, and consistent with the literature (Cabinet Office Social Exclusion Task Force, 2009) several of the women's offences were motivated by lack of money:

“It was the summer and we were going to the park, none of us had any money and I got caught, stealing 18 quids worth of Stella” (Donna, 1 Month Post Prison).

“I failed to attend court for a theft, I couldn't afford to get the bus” (Debbie, Less than 1 Month in Prison).

Dalia (11 Months Post Prison) described how previously when finances were tight she would ignore bills:

“the letters that used to be coming through the door I used to just throw them in the bin, I never used to open them...I never used to pay anything.”

This problematic avoidance technique was not addressed during her sentence, as apparently she was not asked about existing debts.

In fact the majority of the women interviewed said they received limited or no assistance whilst in prison in managing debts prior to, or ones accrued during, incarceration. Some of the mothers were worried that custody would impact their financial situation, believing debts would build up whilst they were away or that there would be a detrimental impact on their credit history or insurance costs. However two mothers reported that the majority of their fines or debts were cleared as a result of their sentence, which would dramatically improve their financial situation upon release. Bella who was imprisoned for non-payment of council tax said that the clearing of this debt took a huge weight off her shoulders. However, despite this she described difficulties in getting her benefits paid into an account accessed by her children:

“I didn’t have a card for that account, so...money was really tight, so they was literally living off my husband’s wages which was a standard £200 a week” (Bella, 4 Months Follow Up Post Prison).

This was a cause of great worry during her incarceration as her children were financially deprived. It also meant that there was limited money to transfer to her for telephone calls and for the facilitation of child prison visits. Likewise, Donna had pre-existing debts from court and was quite happy with the financial outcome:

“all my fines have been wiped since I’ve been in prison...So I’ve actually come out better off in that sense, but worse off in others” (Donna, 1 Month Post Prison).

However she was concerned about regaining her stopped benefits when she was released. It appeared somewhat arbitrary how some financial problems were eased and others created as a result of prison. These unintended and disproportionate consequences need to be considered by the courts, as they are a key factor in the on-going pains of incarceration.

Like Donna, Danielle struggled to maintain her benefits, including her child tax credits, whilst in prison as they were stopped from the date she was sentenced. She thought this was particularly unfair as they were for her son’s benefit. She felt that her son was also financially worse off whilst she was incarcerated because family looked after him. She said that she had asked prison staff for advice on how to pay household bills whilst she was incarcerated and was told to contact social services.

“They told her (her sister) that because my son is not going into care they wouldn’t provide any help...If you are prepared to put somebody’s child in care, and pay so much money for that, why are you not prepared when they are still with families? Especially when that family member doesn’t have any income” (Danielle, 8 Months Post Prison).

Although happy that her sister cared for her son, as she did not want him placed in care, she felt that there should have been more financial support for the arrangements that she had made rather than leaving the family to cope.

In fact only two mothers said they had been offered any form of financial advice in prison. Bella was told how to prevent debt problems, however, she said that this was not very



helpful as principally she was worried about debts accrued prior to prison. The second mother was Debbie, who described a prison officer's advice:

“they told me how I could go to Morrisons or somewhere and get food that is a couple of days old” (Debbie, 1 Month Follow Up Post Prison).

Prior to being sentenced Debbie was often homeless and as a result of being a failed asylum seeker she was neither allowed to work nor entitled to claim benefits, however she wanted to stay in the UK because her son had been fostered by a British couple and she wanted to be near him. According to research by Crawley et al., (2011: 5) ‘refused asylum seekers are prepared to face long periods of destitution in the UK rather than returning to their country of origin...many refused asylum seekers would rather remain destitute than apply for government support because they fear it will result in deportation.’ As such Debbie was reliant on others, often men, to look after her:

“I no longer have feelings for men, sex becomes like a job. They know I need them as I can't get any benefits” (Debbie, Less than 1 Month in Prison).

Her survival strategy was not unique, according to Crawley (2011: 6) many asylum seekers ‘form sexual relationships with local people as part of their livelihood strategy, but these relationships are sometimes disempowering.’ Debbie's feelings of not providing for her son, who was already in foster care because of her poverty, resulted in her offending.

“He was like if you get this I'll be able to lend you what you need...I didn't want to do these things...I just needed money to buy a birthday present for my son, his birthdays come and he didn't get presents from his mum, his foster parents buy him big presents. To him what kind of mum does it make me?” (Debbie, 1 Month Follow Up Post Prison).

While she did not think prison would worsen her financial situation, she is an example of the multiple problems and complexity in many of these mothers lives prior to and post-custody. Although she was satisfied with the advice from the prison officer, given the intricacy of her situation it is suggested that the prison authorities should have gone further to help her, by, as previously mentioned, putting her in contact with organisations who specialise in immigration issues. These women's anxieties about housing, employment and debt after prison have been shown to add to the pains of imprisonment first outlined by Sykes. Given the ramifications of these issues on their lives and the

stability they can offer their children post-custody, it is suggested that these concerns go some way to explain the high levels of distress reported whilst they were incarcerated.

#### *4.4.4 Psychological Harm*

The World Health Organisation (2007) defines mental health as

a state of well-being in which every individual realizes his or her own potential, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community.

In line with the existing literature over half of the mothers (9 out of 16) reported dealing with poor mental well-being prior to their incarceration, two of whom said the problems were in response to their arrest. However, several other mothers said they developed psychological problems as a result of custody. It is suggested that mental ill-health may be worsened, or triggered, by anxieties regarding accommodation, employment and debt as well as feelings of guilt caused by their removed ability to mother and the impact of this on their children. The women in this research struggled with a variety of mental health problems during their incarceration, however most described issues with depression. However, very few described formal steps taken by the prison authorities to alleviate the symptoms, in fact often the issues were not identified by the prison healthcare team and when they were they were simply offered anti-depressants, without counselling. However some of the mothers described the informal support that was provided by individual prison officers and other women. The different experiences indicate the divergent or inconsistent level of support for mental health within the female prison estate. Many may suffer in silence.

Previously it was argued that many of the women interviewed were unprepared for prison, it was the unexpected aspect that was the most difficult. Danielle's reactions to be sentenced and held in court was discussed, she later described how her feelings changed once she was removed from the court cell; she began to feel anger and a sense of injustice about her incarceration. This significantly impacted her mental health in custody:

“I was very angry when I went to prison, because I wasn't expecting to go”  
(Danielle, 8 Months Post Prison).

In contrast, although Louise had not anticipated custody, she described how she was more angry at herself than the courts:

“you get angry but it’s not worth it, it’s more like it’s my fault so I get angry with myself” (Louise, 1 Month Follow Up Post Prison).

Although she did not have custody of her daughter she was ashamed and embarrassed about her incarceration. These feelings persisted throughout her remand period. These women were not the only ones who were angry:

“I had three punch ups while I was in there, but I didn’t get an IEPs<sup>82</sup> or anything. A lot of the women in there are looking for fights” (Donna, 1 Month Post Prison).

According to the Ministry of Justice data (2014o) the rate of assaults on staff per 1,000 prisoners is higher in female prisons than male prisons. Another mother who also expressed anger about an unfair sentence was Bella. However she recounted how the prison officers had tried to keep her calm and talk to her.

“They obviously don’t want you doing anything silly to yourself, or smashing your cell up basically, there was times that I thought like that, I’d just want to smash everything up” (Bella, 1 Month Post Prison).

As a consequence of her anger she was put on an anger management course in prison, which she found helpful. In fact, Bella was one of the few mothers who portrayed a sense that those working in the prison actively tried to help her. When she was incarcerated, her daughter was heavily pregnant and often had evening anti-natal scans when the women were unable to make phone calls. Some of the prison officers would call her daughter for her to check the scans were normal. Bella said this really calmed her down during these potentially worrisome evenings.

A large proportion of the mothers (12 out of the 16) described dealing with depression in prison, for example, Bella (4 Months Follow Up Post Prison) who had no previous concerns with mental health said:

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<sup>82</sup> The Incentives and Earned Privileges scheme rewards prisoners for good behavior.

“I cried nearly every day...I cried through every lesson, that had to keep pulling me out (of education)...every day was a struggle, I’d just get up and I’d cry and I’d cry, that’s just how hard it was for me.”

Likewise, despite already taking anti-depressants prior to her incarceration Marie (5 Months Post Prison) said

“there are days where you just cry because you think this is just too much, it’s too intense, I can’t do this anymore.”

Tara’s negative reaction prompted social services to allow her children in care to visit her with a contact supervisor. It is suggested that it was the previously described feelings of guilt combined with the prison environment that resulted in many of the women’s emotional distress. Tara described how specific aspects of prison, out of her control, would depress her:

“some days when I used to cry when I received letters from social services about what was happening (to her children)...A lot of women receive their letters at night under their door, and they’re just crying, you want to climb the walls” (Tara, 7 Months Post Prison).

It is suggested that giving women potentially upsetting mail when they are locked in their cells at night should be reconsidered.

Many of the mothers, for example Una and Marie said other prisoners supported them when they were tearful; which helped to alleviate the feelings. In contrast several said they deliberately did not cry in front of anyone, but chose to keep their emotions inside.

“I can’t cry in a dorm full of other women, I have to keep it all in” (Louise, 3 Months in Prison).

“I have down days, but I’m very strong, I don’t want to show any emotion, maybe that’s why my hair is coming out?” (Ursula, 2 Months in Prison).

It is suggested that retaining tears is linked to Sykes’ deprivation of security, crying may demonstrate vulnerability which women may feel would impact their safety as they may be targeted. Therefore several of the women coped by locking themselves away:

“I was like in this little shell, I didn’t speak to no-one or anything...I used to sleep quite a lot, I just didn’t want to move out of bed, I didn’t want to go out of the room, I didn’t know what to expect” (Dalia, 11 Months Post Prison).

“It’s the depression that gets you, and the boredom...I used to just pull my door to, and shut myself away” (Donna, 1 Month Post Prison).

Thinking time was something that many of the women spoke of, and although this time could have been used to reflect constructively on past decisions, for most too much time had negative consequences for their mental wellbeing.

“You analyse everything, I would lay awake thinking, I just couldn’t sleep” (Steph, 13 Months Follow Up Post Prison).

“You get a lot of time to think when you’re in prison...but sometimes that’s not healthy...And if I knew there were problems at home... you just want to get out of them bars and you can’t, it’s just very frustrating” (Bella, 4 Months Follow Up Post Prison).

‘Feelings of powerlessness to intervene could become intolerable’ (Plugge et al., 2006: 49) for these mothers. It is suggested that if the prison authorities took advantage of this thinking time to advise or assist them with this process of self-reflection, it could be used to promote positive change rather than worsening depression. Linking with Sykes’s loss of autonomy, Bella really struggled with not being able to solve her children’s problems, as she would normally have done. Prison took away her ability to mother, which was a key to her identity prior to her imprisonment. This change of role significantly affected her mental health.

Many women still define themselves...by their role in the family. It is an important component in our sense of identity and self esteem. To become a prisoner is almost by definition to become a bad mother (Corston, 2007: 20).

It was expected, because Bella’s identity as a mother was so prominent, that she would have adopted the previously discussed maternal role in prison as a coping mechanism. However it would seem that her anger and anxiety prevented her from doing this. It is unknown whether with a longer sentence she may have done this, but interestingly she was one of the few mothers who never formed any close relationships with other

prisoners, she was very insular. Other mothers described why this loss of identity was particularly painful:

“I was born to be a mother and to take that role away from you...I would have found prison a piece of piss if I didn’t have kids...my mothering instincts got battered because if they were hurt or upset or sick I couldn’t comfort and look after them” (Marie, 9 Months Follow Up Post Prison).

“It affected me mainly when things were happening and I couldn’t do anything about it, and my oldest daughter wouldn’t write in and tell me about it because she didn’t want to upset me” (Tanya, 5 Years Post Prison).

The most common response from the prison authorities to address mental ill health was the prescription of anti-depressants, but no psychological support; therefore the causes of depression were never addressed (National Health Service, 2013b). Only one mother said she received in-depth help with her feelings, potentially because she served one of the longest sentences in this sample, under half of a 12-month sentence, highlighting again how those in prison for short terms are often unable to access the help they require. Tanya felt the intensive psychotherapy throughout her sentence helped her to analyse her life choices and begin to repair some of the emotional damage inflicted prior to custody.

For the other mothers who were only offered anti-depressants, some decided they would cope on their own without medication:

“They offered pills, but I didn’t want to take any pills, even now for me even vitamins is a chemical” (Ursula, 5 Months Follow Up Post Prison),

“I don’t want any medication for that, I have to cheer myself up” (Steph, 7 Months Post Prison).

It is suggested that this is another form of resistance (Bosworth, 1999), although women in prison have very little control over their medication they ‘are able sometimes to counteract restrictive and traditional notions of passive femininity despite their practical vulnerability to forces of discipline and control’ (Bosworth and Carrabine, 2001: 505). Donna also refused anti-depressants, but for a different reason:

“I did get depression in there...but I wouldn’t take any medication because I don’t want to go down that road again, I got depression before and the doctors put me on the medication” (Donna, 1 Month Post Prison).

It is suggested that for these mothers the choice not to accept medication was one of the few aspects of their lives they controlled in prison.

The majority of those who were taking anti-depressants prior to their incarceration were content to continue with them. However for some the levels needed to be increased because of their reaction to prison. For a few there were problems with their existing prescription. Laura said that it took the prison two weeks to provide her medication:

“it was like starting again...can you imagine going to prison and being on anti-depressants and then not getting them? It was really hard” (Laura, 12 Months Follow Up Post Prison).

Another mother said the prison doctor tried to stop her medication.

“He was like ‘oh why are you on anti-depressants?’ Oh I wonder! You know? ‘Have you ever thought of coming off them?’ ‘No, not now, do not take my tablets away because I’ll probably go really mad then’” (Marie, 5 Months Post Prison).

However she went on to say that after the first month her depression eased slightly because she did not have day-to-day worries. Other mothers also said how this removal of responsibility was a relief from their lives outside.

“A lot of girls say it’s like a Butlins holiday camp because ‘I’m looking after myself’, You get your free meals, your linen washed, everything...you don’t have to do no housework!” (Tara, 7 Months Post Prison).

However, several described feeling so low that they considered self-harming or suicide in prison, their pains of incarceration were too great. ‘This all-pervading sense of failure and lack of self-esteem is often cited as the underlying cause of the self-harming behaviour that is endemic in women’s prisons’ (Carlen and Worrall, 2004: 147).

“I went really low in prison, I mean suicidal at one point...the way they treat you in there as well, they just treat you like dirt some of the prison officers do, they just look at you as though you’re a nobody and being away from my kids as well” (Dalia, 11 Months Post Prison).

She said she felt so down that she would have not wanted visits if they had been possible. Another mother described the action the prison took because of the risk she posed:

“I was always put on suicide watch as soon as I had a little dip in prison which meant that I could only get my medication by the nurse...and I had to be watched through the night which happened quite a lot in there” (Tanya, 5 Years Post Prison).

Another mother explained how a prison officer supported her:

“I was praying ‘God just take my life, take my baby...I don’t know what to do, I’m tired...look at me how can I face this?’ They said ‘it’s not your fault, it’s just happened’ and they tried to advise me. I said ‘okay I really want to look after my daughter, if I die what is going to happen to her?’” (Steph, 13 Months Follow Up Post Prison).

As a result of speaking about suicide she was able to receive support. Most said that the thoughts of their children stopped them from committing these acts.

“Something was keeping me, like something was telling me no you can’t do that because if you do that you will prove them right, and if you do that who is going to look after your son? So I was like, it was a conflict I was fighting with my own thoughts or mind” (Danielle, 8 Months Post Prison).

“My children are my world, I had to get through it...you can see why people would want to go into prison who couldn’t cope with it because it is one of the most horrendous things in your life” (Marie, 5 Months Post Prison).

Many of the mothers discussed their deprivation of security in prison, describing it ‘as a question of “survival”’ (Rowe, 2011: 3), which negatively affected their mental health. Several of the mothers spoke about their fear of safety and dying in prison:

“I never believed I would see outside again” (Steph, 7 Months Post Prison).

“There was times when I thought I wasn’t going to get out of there alive, because it was you know women fighting, girls cutting themselves with razor blades...in there you can’t see the light at the end of the tunnel, you think you’re not coming out” (Bella, 4 Months Follow Up Post Prison).



The combination of this fear as well as her depression was why Bella struggled to stay in education each day, preferring to remain in her cell. Another mother said she felt anxious about leaving her wing to go to education.

“You’re going up and down stairs with lifers and people that have done some nasty things you know? So you’re worried about the fact that you could get pushed down the stairs or there could be a bundle, or the fights that go on when you’re in education” (Marie, 5 Months Post Prison).

However this anxiety did not prevent her from engaging with education. In her research Rowe (2011: 2) found that

first-time prisoners commonly remark that the only time they felt completely safe during their first days in prison was when locked in their own cell...because that is the only time it is possible to be completely relaxed and unguarded.

It is unlikely that staying in their cell allowed the women to be completely relaxed and unguarded, as they will still need to deal with the other pains of imprisonment as well as boredom and isolation (Liebling et al., 2005), but the fear for their safety may be removed if they are in a single cell, or with cellmates they trust. Bella revealed that she was so worried about dying in prison that she wrote letters to her children:

“because you just don’t know if you’re going to have a heart attack or you’re not going to wake up from your sleep because of the stress and the worry and the strain, you know?” (Bella, 1 Month Post Prison).

This deprivation of security was a major concern that had long-term implications for her.

However, whilst in prison they were not totally isolated from the outside world. ‘Women who are able to construct a meaningful daily life still fear that things beyond their control will disrupt their efforts’ (Clark, 1995: 313). One mother described a time when she needed to leave prison to go to hospital:

“you have to go in handcuffs and you go there and people are scared of you, that breaks me, people were scared of me...people were looking at me like I was a terrorist or something” (Danielle, 8 Months Post Prison).

Another mother spoke of her concerns about her release and what people would say:

“you mull over a lot of things when you’re inside, and you think how am I going to deal with situations when you get out, how are you going to respond to people if they ask you?” (Una, 1 Month Follow Up Post Prison).

Previously it was argued that friendships help to reduce the harm of prison, and provide an opportunity for the women to resist the erosion of their identity by prison (Bosworth and Carrabine, 2001). According to the literature another method of resisting the pains of prison is contact between mother and child. Houck and Loper (2002) suggested mothers who have less contact with their children display higher distress. This belief is supported by the prison system, for example, the Prison Rules (1999: Rule 4) states that ‘special attention shall be paid to the maintenance of such relationships between a prisoner and his family as are desirable in the best interests of both’.

Contact can be maintained through a variety of ways, for example, according to Poehlmann (2005b: 355) those who speak to their ‘children on the telephone more often’ report ‘more positive and warm relationships’. Telephone calls also allow a mother to receive reassurance that their children are coping:

“When I spoke to them on the phone I’d say ‘how’d you feel about mummy? Do you still love mummy?’” (Marie, 5 Months Post Prison).

However the requirement to have the telephone numbers preapproved caused delays:

“it took five days for the phone numbers you want to be able to ring people...they have to be put through security” (Bella, 4 Months Follow Up Post Prison).

Delays in getting numbers accepted prevented the women receiving reassurance about their children as soon as they were separated, further adding to the infliction of pain. The cost of telephone calls was also inhibitive; according to Consumer Focus (2009) the cost of prison payphone calls to landlines is 10p per minute, and to mobiles is 37.5p per minute, which is significantly more than the cost of calls outside of prison. Most of the mothers put all the money they had in prison on their phone cards to speak to their children, but the cost limited the call.

“It’s all wrong, it shouldn’t be like that for women with children...to actually speak to your children £5 will get you nothing, especially if you’ve got three children and they’re in different places...you can’t actually speak to them, you’re rushing” (Tanya, 5 Years Post Prison).

Another barrier was the limited times in which the women could use the telephone:

“I have to call their mobiles because they’re at work or school during the day when I can call” (Una, Less than 1 Month in Prison).

As a result of the cost of calling, particularly a mobile, many of the mothers could only telephone their children for a short time.

Contact can also be maintained through letters and one mother described why she thought letters were essential for her children.

“My mum left because of a fella, I wanted them to know it wasn’t in my hands as to why I went away from, that’s very very important that you get that across into children’s heads...because otherwise the resentment really sets in” (Marie, 5 Months Post Prison).

According to the Prison Service Instructions 49 (2011) each sentenced prisoner is entitled to send one statutory letter a week which must be sent at public expense, those on remand have two, additional postage has to be paid for by the prisoners. Loper and Tuerk (2006: 419) found that increased letter writing was related to a reduced amount of maternal stress compared to visits or telephone calls. However, there are also obstacles to letters, which may prevent a true account of feelings being exchanged. This is the literacy level of both mother (Social Exclusion Unit, 2002) and child, as well as the fact that prison staff routinely check all post, apart from legal letters (Citizens Advice Bureau, 2012). There are also problems with delays in delivery. For instance,

“I got a letter that was sent to me by my aunt and it didn’t make sense...I’m thinking we’ve spoken about this, but it was her first ever original letter...it was all getting a bit jumbled” (Una, 1 Month Follow Up Post Prison).

Trice and Brewster (2004) reported an increased amount of contact between mother and child, if the women were in educational programs, compare to those not enrolled. This might explain the high levels of contact between mother and child in this research as many of

the women attended education<sup>83</sup>. This however highlights another barrier to the maintenance of contact, as many female prisoners are not in education<sup>84</sup> (House of Commons Education and Skills Committee, 2005). Given the low level of visits, educational attendance triggering channels of communication should act as another incentive to provide more educational opportunities in female prisons.

Lastly, visits can also help women to retain their maternal identity, which as previously discussed is particularly important. However, it is widely recorded that many mothers receive very few or no prison visits from their children (Hairston, 2008; Poehlmann, 2005c)<sup>85</sup>, for a number of reasons (Greenberg, 2007). In the literature review it was argued that the distance women are held often inhibits visits and the majority of the mothers in this research said their location affected the frequency of visits.

“[The prison was] one and a half to two hours away, it’s a long drive for a one hour visit” (Una, Less than 1 Month in Prison).

Similarly, the cost of travelling prevents many families making the journey at all or on a regular basis (Arditti, 2008; Poehlmann, 2005c), which is likely to particularly affect those with more sociodemographic risks (Poehlmann et al., 2008). Bella described how her family put petrol money aside for the two-hour drive to visit her in prison. In their research on almost 2,000 English and Welsh male and female prisoners in the last three weeks of their sentence, Niven and Stewart (2005: 6) reported that ‘distance and expense were cited by 41% of prisoners as the reason for not receiving visits’.

There was also confusion about the number of visits the women were entitled to:

“when I asked about visits I was told to send the VO<sup>86</sup>, they sent it back with the red pen saying ‘no VOs’...but I never had none, it eventually came two days before I was leaving, so there was no point” (Debbie, 1 Month Follow Up Post Prison).

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83 However it could be that those writing to their children are also more motivated to learn.

84 For example in August and September 2004 49% of women in closed prisons, and 44% in open prisons did not have access to education.

85 According to a Home Office study by Caddle and Crisp (1997: 33) ‘just over half the mothers (53%) who have lived with their children or been in contact with them before imprisonment had been visited by their children since imprisonment’.

86 A visiting order.

Several of the mothers also described delays in getting the visits:

“the system got all messed up, I didn’t get a visit for three weeks. There was a backlog of paperwork...they couldn’t handle it” (Una, 1 Month Follow Up Post Prison).

There were other problems cited with visits, one of which was the rigid visiting times, which prevented weekday visits from school aged children, or those looked after by carers in employment (Parke and Clarke-Stewart, 2001).

“He lives in London, but he has to work, so he can only bring her when he has time” (Bryony, 3 Years Post Prison).

Mackintosh (2006: 582) argues that ‘kinship caregivers are more likely to facilitate children’s connections with their incarcerated mothers than are foster parents’. Once she had made a complaint Tara’s children in care were brought on visits by a family liaison officer rather than foster carers, and despite Donna asking social services to bring her son for a visit there was nobody able to accompany him, so he was only able to visit after he was in the care of his grandmother.

However visits are not always an unmitigated good but can cause distress (Corston, 2007).

Several of the mothers described problems as a result of visits:

“the kids get searched and everything and its not very nice...it stays with you quite a while after a visit, it stays with you for about two to three days about how sad you feel about leaving...it’s too much” (Marie, 9 Months Follow Up Post Prison).

“You look forward to the visits, but hate watching them walk out the door...of course I wanted to walk out with him, but I couldn’t” (Donna, 1 Month Post Prison).

In fact, mothers who have more contact with their children are more likely to be aware of the negative consequences of their imprisonment on their child (Travis et al., 1981). As such, an increased awareness of the impact that her separation is having on her children may actually negatively impact a mother’s emotional health due to higher levels of shame about her actions affecting her children (Baunach, 1988). This appeared to be the case for

many of the women in this research; those who maintained regular contact with their children were able to describe more specific changes in their behaviour. For example, as will be discussed in chapter six, Danielle knew her son was not eating properly and was very angry about her incarceration. Likewise Maggie knew that one of her daughters was drinking significantly more whilst she was away. In comparison, Laura had no contact with her son and therefore only found out upon release how he had responded negatively to her imprisonment. Likewise, Donna had very limited contact with her son so was unaware of his anger towards her. Therefore it is important to consider the extent to which contact is beneficial for both mother and child, as although a lot of literature encourages contact, there are problems that need to be addressed for this method to alleviate pains of incarceration.

#### *4.4.5 Physical Health*

The literature suggests that there are high levels of physical illness in women's prisons and many of the mothers described how unprepared they were for what they saw:

“I hated to see how many of the girls went out to take their meds every evening...and how many girls who were in there while I was in there went to the dentist to take all their teeth taken out because they were so rotten” (Marie, 5 Months Post Prison).

In contrast to the existing literature the majority of those interviewed in this research (11 out of 16) described themselves as physically well and active prior to custody. However, most (10) reported a deterioration of their physical health during their imprisonment. There were also perceived problems with the level of care received by, and the time it took to see, medical staff; problems with medication; and the lack of communication between community and prison medical provisions. It is suggested that concerns with any of these are likely to negatively affect mental well-being.

In line with the literature (Genders and Player, 1990) many of the mothers who were previously healthy said the prison environment with its lack of fresh air and stodgy food made them unwell. For example, the mothers experienced hair loss, headaches, skin

conditions and missed medical appointments or operations as a result of their incarceration. One mother said that she developed goitre<sup>87</sup>, which she was told was a

“natural body reaction to that kind of environment. My eyes also got worse while I was in there because of the florescent light, I had to get glasses” (Bryony, 3 Years Post Prison).

Another example of a physical reaction to prison came from Danielle (8 Months Post Prison), who as well as her continued claustrophobia as a result of the court cell said:

“I was physically sick regularly from that cell, vomiting, diarrhoea...I couldn't sleep”.

Quite a few of the women said they had difficulty sleeping, particularly at the beginning of their incarceration, and many smokers said they dramatically increased their intake in prison because of stress and boredom. Several described issues living in a confined environment with other people:

“My skin was drying out, getting spots and all sorts, and you're in a small cell with no ventilation apart from the air vents, supposedly in the windows, but you're going to the toilet in your cell, and once you're locked in you've got to eat in your cell, everything is in that one room” (Una, 1 Month Follow Up Post Prison).

“It's not a place that I would keep my dog in, it is very dirty, five people in one cell, a window that never opens, and can you imagine because of the food how much farting is in the room?” (Danielle, 8 Months Post Prison).

A few described their frustration about being unable to exercise regularly in the gym due to the limited capacity being filled by the women on wings that were released first in the morning. The stodgy food served was also a common source of complaint; those who had regular meals prior to their incarceration lost a lot of weight because of the poor nutritional value.

“The food was shit...I was a size 14 and I'm now a size 8...You can't eat it, it goes down the toilet, because it's stodgy but it's not just that I had fish three times and when you cut into it, it was raw in the middle. Urm they do a roast chicken but it's like a sparrow, it's what you would give to a three year old the size portions, it's nothing” (Donna, 1 Month Post Prison).

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<sup>87</sup> An abnormal swelling of the thyroid gland that causes a lump to form in the throat (National Health Service, 2012).

Several of the mothers described how their diet was changed in prison, the food affected their digestive system and made them feel very bloated<sup>88</sup>.

“There was no nutrients or anything like that, I mean there were vegetables but you had the same vegetables all the time, it was cabbage with everything, with rice...it was just awful...so my physical wellbeing in there was not good, it deteriorated a lot...if you’re not feeling good in yourself you deteriorate quickly” (Una, 1 Month Follow Up Post Prison).

Notwithstanding these criticisms, a few of the mothers were pleased that they lost weight because of their dislike of the food. A few of the mothers said that their physical health had improved as a result of the provision of three meals a day, which was considerably better than their nutritional intake outside of prison; for them it was a respite (Plugge et al., 2006). Dalia described her poor diet as a result of her drug addiction prior to custody:

“I went down to seven stone at one point...I don’t know some people do eat on them, but I never used to be able to, it used to make me feel sick every time I used to eat” (Dalia, 11 Months Post Prison).

Similarly, Debbie also described how she ate in the community:

“I’m just lucky if I eat today, but if I don’t eat today I don’t eat today...if I got five tinned tomatoes for £1 from the supermarket and I’ve got rice I’m just right” (Debbie, 1 Month Follow Up Post Prison).

In addition to their physical ailments in prison, several of the mothers discussed what they felt to be poor quality prison healthcare, for example delays in receiving appropriate medicine for existing or new physical conditions. Marie said she had to wait several days to receive her medication for her polycystic ovaries<sup>89</sup>, this delay although not life-threatening did cause a considerable level of stress and discomfort.

“When you start taking them as regularly as you do you always get a bit of an upset tummy and so the fact that I got it out of my system for a couple of days and then I had to start all over again. Which wasn’t nice...Especially when sharing a cell” (Marie, 5 Months Post Prison).

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<sup>88</sup> Those at HMP Bronzefield apparently called it a Bronzefield Belly, as such many became vegetarian.

<sup>89</sup> This is one of the most common causes of female infertility, it can lead to an increased risk of diabetes, high blood pressure and high blood cholesterol levels, these conditions can cause stroke or heart disease later in life (National Health Service, 2013e).



Several of the other mothers said having to use the shared in-cell toilet facilities was a source of discomfort and embarrassment. Another mother described the time it took for medical staff to provide her painkillers for her pre-existing pleurisy<sup>90</sup>. She said the pain for this was worse inside:

“I don’t know if it was the bed or because I was anxious but I had a lot of chest pain and it was all down around my breast but they put it down to the way I was laying...they did check me out, but it took them four days, I was honestly in so much pain...but they finally said they thought something was wrong that urm they gave me painkillers...that helped a little” (Bella, 4 Months Follow Up Post Prison).

Several of the mothers described how their medication was often changed or stopped, as was threatened with Marie’s anti-depressants. One mother who was prescribed pain relief said:

“they stopped the ibuprofen and I’m on tramadol for my joint pain...and they didn’t give me that” (Laura, 1 Month Post Prison).

This caused her a lot of physical discomfort in prison, especially as there were also issues with her sleeping tablets:

“Even though the first night when you’re in there you tell them everything that you need, my sleeping pills I got them after a week and it’s so hard so sleep...they gave me some other sleeping pills which weren’t my original ones and they made me feel completely wasted so I couldn’t take them” (Laura, 1 Month Post Prison).

Another mother also described difficulties in getting her sleeping tablets:

“I wasn’t weaned off them, they just said ‘no’, urm so of course I didn’t sleep for about three days...You can’t suddenly take sleeping tablets away when the only way you’ve been used to going to sleep for the last six months is to pop a pill, you know?” (Marie, 5 Months Post Prison).

Given the criticism that prison health services have received in the past for the over provision of drugs, or ‘a ‘liquid cosh’ of different drugs to control the recalcitrant’ (Sim, 2002: 301), it is understandable that the medical staff may exercise restraint in prescribing sleeping tablets. Nonetheless the lack of psychological support for this mother with such a

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90 Which is the inflammation of the where double-layered covering of the lungs (National Health Service, 2013d).

dependence on sleeping tablets should be addressed. Several other mothers developed sleep problems in prison, for which they were prescribed sleeping tablets.

“I had nightmares when I was in there, it was the reoccurring nightmare, they opened the gate to let me out and I was rearrested and taken straight back in...especially as my release date was getting nearer and nearer it was the same dream all the time” (Donna, 6 Months Follow Up Post Prison).

There was a suggestion, however, that some inmates may have exaggerated or lied about their symptoms in order to receive pharmacological assistance:

“I know people said stuff to get the sleeping tablets” (Louise, 1 Month Follow Up Post Prison).

Louise was HIV positive and complained about the lack of communication between her community GP in the prison health care team.

“I think that if somebody is in prison they have their name, their date of birth, they should find their GP and contact them for a medical history...I think if there was more connection between the prison and the GP then they would know what was going on” (Louise, 1 Month Follow Up Post Prison).

This lack of communication caused this mother a lot of stress during her time on remand. She was also initially placed in a dormitory with smokers despite her asthma:

“they didn’t ask me if I was a smoker or not...they (her cellmates) smoked day and night, I went to complain and they changed me, I think it shouldn’t even happen in the first place” (Louise, 3 Months in Prison).

This complaint relates to very serious consequences with potentially lethal effects and raises questions about the adequacy of the initial health care screening. If a woman’s asthma is unknown, there could be other issues being missed at this vital early stage. The lack of suitable health care was repeated by many of the mothers and is supported by the previous literature (Ginn, 2012; Sim, 2002; Watson et al., 2004).

Another mother described the unacceptable treatment she received by the staff:

“when I was there I had a miscarriage...I had no treatment, no-one to care, I had my miscarriage alone in my room, they locked me in. When you are

sick they lock you up all day, you won't see any of your friends" (Steph, 7 Months Post Prison).

Steph was incarcerated during her first trimester, during which the rates of miscarriage are the highest (National Health Service, 2013c), however she felt it was the stress surrounding her imprisonment that resulted in her miscarriage at 10 weeks. She said she was not offered any counselling or support in prison for this bereavement. This was not a one-off situation, recently the Justice Secretary investigated a similar case where another mother miscarried alone in her cell and did not receive any healthcare or pain relief (BBC News, 2013b).

There was a general consensus regarding the time it took to see prison medical staff. This delay in accessing medical support links with Sykes's deprivation of autonomy, whilst these mothers were in prison they were unable to personally control when they could see a nurse or doctor, they had to wait for it to be arranged for them.

"You had to put an app in, and if you're lucky about a week later you'd see a nurse" (Maggie, 9 Months Follow Up Post Prison).

Consequently there were often delays in receiving adequate treatment for new conditions:

"I didn't find the nurses very good, I was waiting for some medication for a good couple of weeks as I had thrush on my tongue...it had cleared up before I got the medication" (Marie, 5 Months Post Prison).

It is suggested that this would have been treated much quicker in the community. Genders and Player also reported these problematic waiting times in 1987, so it would seem that the delay in providing medical assistance has not been greatly improved in over 25 years, despite prison healthcare shifting to the NHS.

Several of the women also mentioned mix ups with medication:

"The nurse was making so many mistakes with the medication, there was a couple of times that they gave me the wrong medication, and with my memory I don't remember my medication" (Louise, 1 Month Follow Up Post Prison).

She was therefore very anxious about taking her medication as she worried it would not be the correct type or dosage. Mix-ups were not uncommon:

“I’m on 20mg of citalopram (an anti-depressant drug)...but the nurse gave me 300mg of an anti-psychotic drug, I couldn’t walk, talk, I couldn’t hear...it was really scary” (Dalia, 11 Months Post Prison).

This highlights serious concerns about the lack of autonomy that women in prison have regarding their own medication and health promotion; they are dependant on healthcare to provide them with the appropriate drugs and in the correct doses. As a result of the frequency of the mix-ups some mothers did not want to accept any medication.

“I didn’t trust any medical assistance from prison at all, you overhear things when you are there, so I didn’t want to be poisoned. Even if I was ill all I asked for was paracetamol, till finally they stopped it because they thought I was paracetamol dependant” (Danielle, 8 Months Post Prison).

What came across in the interviews was the range of physical issues in custody and high levels of dissatisfaction with the medical facilities. Several of the mothers reported physical symptoms that they believed were as a result of their incarceration, it is suggested that this combined with the previously discussed anxieties regarding different aspects of their incarceration may have contributed to the high level of psychological distress.

#### *4.4.6 Addictions*

The existence of drug and alcohol abuse in female prisons is also well cited in the literature and many of the women interviewed witnessed first hand the impact that substance misuse had on other women on their wings. For those who had never been exposed to this prior to their incarceration, this often proved to be very stressful:

“I’ve never seen women with so many needle marks and what they have to do, and part of their nostrils gone because of drugs” (Tara, 7 Months Post Prison).

“Sometimes they are very aggressive...When they’re in the special wing it’s okay, but after that when they come to the main prison, because I never saw that in my life, it’s very scary” (Ursula, 5 Months Follow Up Post Prison).

Again in contrast to the existing literature only, 6 of the 16 women disclosed pre-existing alcohol, drug or gambling addictions.

“I’d be drinking alcohol because I’m so unhappy and I was using it numb everything, it wasn’t drinking to be merry, I was drinking to be completely wasted” (Laura, 1 Month Post Prison).

“I wish I’d never even seen drugs, the first time I saw Heroin I was 15, I got told it was liquid cannabis...it just ran from there, and I found out it was Heroin too late really...It just used to blank everything, all the problems, and it doesn’t really, because if you take it you’re just taking it to feel normal eventually” (Dalia, 11 Months Post Prison).

Dalia described how her children’s father had initiated her drug dependency:

“He was the one who got me on the drugs to start with so, he was a bit of a twat, but I ended up pregnant” (Dalia, 11 Months Post Prison).

Her experience demonstrates how vulnerable these women often are and links with the discussion in the literature review about pathways into crime. Often their addictions and subsequent criminality are a result of their lack of options, or choice in relationships rather than a desire to offend. Interestingly, four out of the six mothers who disclosed pre-existing addictions were imprisoned as a consequence of these problems, one for theft, one for fraud and two for a breach of an order:

“when I got arrested the first time it was for being intoxicated in charge of a minor” (Laura, 12 Months Follow Up Post Prison).

“All the money we used to get used to go on the kids, that’s why we used to end up going out shoplifting just to fund our own habits” (Dalia, 11 Months Post Prison).

Dalia felt that because she was failing to comply with probation by repeatedly failing drug tests, the Judge believed that the best way to get her clean was to incarcerate her. Although prison may provide an opportunity to detoxify from substances, this should be available in the community, a woman should not be incarcerated in order to receive this help (Corston, 2007). For two women the potential of custody resulted in increased alcohol consumption:

“I hit the alcohol really major for the months before I went down, so, because of the worry, I was trying to block it all out...Mr bottle of vodka became my best friend” (Tanya, 5 Years Post Prison).

“Before I went in there I was so worried about the whole thing that I used to think ‘let me have a glass of wine’ and then I’ll have two, and then I’ll have three, just to take yourself into a place...so you didn’t have to think about it, there was no escape from it” (Una, 1 Month Follow Up Post Prison).

As described in the methodology, despite being asked Una denied alcohol issues in her prison interview; she only discussed this reaction to her arrest in her follow-up interview. Although she said she was offered no support for this in prison, her denial of a problem would prevent prison staff from offering her assistance. Louise who was a recovering alcoholic prior to her arrest, also reacted badly to the possibility of incarceration and returned to alcohol and admitted drinking more than she ever did before:

“I was drinking heavily because I didn’t want to think at night about what’s going to happen, so if I didn’t take alcohol it would be a sleeping tablet, or another drug...it helped me forget about everything” (Louise, 1 Month Follow Up Post Prison).

As previously mentioned, normally those with substance dependencies stay on a detoxification unit during the initial period of incarceration, in fact Bella said she was placed on this unit for six days despite having no issues with substances, which she found to be very stressful. Likewise, as a result of prison overcrowding Tanya was kept on the detoxification wing for longer than usual:

“I was down on detox for eight weeks, which is 24 bangup” (Tanya, 5 Years Post Prison).

It was also previously suggested that those in prison are not offered the appropriate level of psychological help in relation to their addictions. As discussed earlier, due to her remand status Louise was unable to access appropriate alcohol services and was offered only Librium. In fact several of the mothers said that rather than being given emotional support for their addictions they were predominately only offered a period of detoxification. Laura, for example, was also only offered Librium, which she refused, with no help at all from the CARAT<sup>91</sup> team in prison:

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91 Counseling, Assessment, Referral, Advice and Throughcare.

“I don’t really need it because I’m not going to get it (alcohol) in there anyways so it is a detox isn’t it!” (Laura, 1 Month Post Prison).

Laura expressed deep anger about her incarceration as she was unable to complete her alcohol course in the community. She felt that it would have been more appropriate to let her complete the course as alcohol was the reason she offended. Likewise, Natasha who abused solvents said she did not specifically disclose this to the prison authorities, but they knew she was detoxing. Despite this she was offered no assistance by the drug and alcohol team, possibly because she was remanded for less than a month. Marie also said that although the prison knew of her gambling addiction no support was made available to her.

As previously mentioned, a few of the women said they were offered more than Librium. Tanya was offered diazepam and psychotherapy, and for her “the detox worked” (Tanya, 5 Years Post Prison). Whilst she was in prison alcohol was not an issue, “I didn’t even think about it” (Tanya, 5 Years Post Prison). However, she admitted that at Christmas she and other prisoners made alcohol, which she did not end up drinking because of the taste. Despite the fact that this was alcohol, for her the situation in which it was available made it entirely different to her pre-existing alcohol problem. Another mother, Dalia, said the prison maintained her methadone prescription and provided her with a CARAT worker. However she struggled emotionally with this maintenance:

“I hate having to rely on something just to make me feel normal” (Dalia, 11 Months Post Prison).

She described why she found the CARAT worker unhelpful:

“she hardly ever come and see me...about once a week probably...I don’t know how the system works but some girls get to see them every day” (Dalia, 11 Months Post Prison).

It is suggested that a higher level of provision would have been beneficial. As such she did not hold the limited support she was given as the reason for her prison abstention:

“going to prison it does get you clean, obviously there is drugs in there, but I didn’t ever have anything in there” (Dalia, 11 Months Post Prison).

She said she chose to avoid them in order to regain a degree of control over her life. The availability of substances within prison was mentioned by a couple of the other mothers:

“I’m not being funny you can get it easier in jail than on the streets. If you were an addict and you wanted a hit, jail is the place to go...one of the girls who I got to know she was a big coke head and said the gear in jail was 10 times better than on the streets” (Donna, 6 Months Follow Up Post Prison).

The literature suggests that many women in prison may not disclose dependencies through fear of losing their children. However most of those interviewed with addictions said that they had been honest with the prison as they hoped they would receive help. In fact, for some the anxiety of potentially being incarcerated brought about these problems, and once in prison there was often very little support offered beyond the opportunity for detoxification and there was nothing offered for women with gambling addictions. Consequently, for many these problems persisted post-custody.

#### **4.5 Conclusion**

This chapter has explored how in accordance with literature those interviewed in this research experienced a variety of pains related to their incarceration. The way in which their loss of liberty related to the separation from their children caused an especially deep level of suffering. Many felt a high level of injustice related to the fact that they had committed non-violent offences, most were first time offenders and most had pled guilty. However, although feelings of guilt were reported, there was little responsibility taken for their actions, and this denial had consequences for the emotions they felt about their imprisonment.

Given that all the women were first time prisoners, the majority described high levels of concern about the unknown during the initial stages in custody. For several, once they had dealt with the feelings of injustice and the initial period of incarceration, they began to feel guilt which is attached to a mother whose actions cause them to be separated from a child. The mothers also reported issues that arose as a consequence of being in custody for only a short period; most typically, their inability to engage fully with the opportunities to improve their lives. In line with Genders and Player (1987: 169) work,



the worries which women in prison experience are not groundless fears based upon their own insecurities but realistic assessments of their vulnerability. The problems they expressed not only tended to endure throughout their sentence but became more complex over time.

Despite a high level of instability in housing prior to their incarceration, it was repeatedly reported that there was very little advice or support given for this in prison. Many were concerned about their accommodation due to a limited understanding of their rights and the 13-week housing benefit rule, or an inability to pay rent whilst they were in prison. In contrast to the existing literature the majority of the mothers were employed prior to their arrest, and as such, unemployment as a result of prison was a very real anxiety for many. This concern was associated with an inability to support their children and subsequent financial difficulties. As with many of their problems there was limited support and advice regarding financial concerns prior to, or created by their short period of incarceration. It is suggested that assisting women to manage on-going living costs should be provided in prison. Many of the mothers interviewed would have benefited from help with tackling these practical problems that may allow them to lead more independent lives post-custody, which would have positive consequences for their children. Not providing this advice or training may only perpetuate feelings of loss of liberty and autonomy.

For many of the mothers their incarceration enhanced or created mental ill health. Despite the short time in which they were imprisoned, for many this led to a loss of identity and a significant amount of anxiety. It is proposed that prison is not the correct place in which to deal with such complicated issues, and simply providing anti-depressants is not conducive to recovery in the long-term. In fact, several of the women reported battling with suicidal thoughts, which were not identified by health care or other prison authorities. It was argued that contact with children might alleviate some of the psychological harm. However there are many obstacles to these that inhibit contact, and in some cases contact may actually be detrimental to a mother's mental health. There was also a reduction in the physical health as a result of custody for many, and there was a general feeling of dissatisfaction with the level of care received by the healthcare team. Finally, although generally there was a low level of addiction reported by those interviewed, several of the mothers increased their alcohol intake as a result of their arrest. Again there were low

levels of psychological support for dependences; they were often left alone to cope after the initial detoxification period or the prescription of medication.

The number of opportunities being missed to address these women's vulnerabilities supports the argument that short terms of imprisonment are not an appropriate response as they do little to support these women to better their lives. This research has highlighted how repeat interviews are essential in order to get a true sense of the extent of the impact of incarcerating women for short periods. The following chapter will now explore how these morally significant harms continued for much longer than the period in custody.

## **Chapter Five: Mothers Post-Custody**

### **5.1 Introduction**

This chapter will explore how different aspects of the mothers' incarceration discussed in the previous chapter continue to affect these women once they are released. It will be argued that for most the pains of incarceration, as described by Sykes (1958) and Ward and Kassebaum (2009), continue to impact their lives for long periods post-custody. For many of those interviewed in this research, the feelings of deprivation of liberty and autonomy continued beyond the period of imprisonment, due to unstable accommodation or being on Home Detention Curfew (HDC), which made them feel that they were not given the opportunity to take charge of their own lives. Although prior to their incarceration these women often lived quite chaotic lives with relatively high levels of social exclusion, it will be argued that a significant number of financial problems and mental or physical health issues, were either created or enhanced by the short periods in prison. What came across in the interviews was the lack of support provided for this vulnerable group. However, it is also important to look at any positive outcomes of prison. Although this chapter will predominately discuss the adverse consequences on multiple aspects of these mothers' lives, many of them also reported benefits of incarceration. What will be explored is whether these positives help outweigh the negatives and therefore add to the discussion of the proportionality of the punishment.

### **5.2 Issues Post-Custody**

#### *5.2.1 Accommodation*

Previously it was argued that many interviewed in this research were concerned about their accommodation upon release. For two their fears turned out to be unfounded as they were able to retain their housing, however for seven their short term of imprisonment resulted in continuing complications with accommodation. It was argued in the literature review that providing a stable home environment in order to be re-united with their dependant children is a priority for many mothers (Hale, 2005; Lowthian, 2002). Family members or social services are very unlikely to allow a continuation of caregiving responsibilities without suitable housing. Many of the women interviewed spoke of inappropriate accommodation or painful delays in acquiring housing once they were

released, even though most should have been seen as having a ‘priority need’ for housing because they are deemed as vulnerable and were living with their children prior to custody<sup>92</sup> (Citizens Advice Bureau, 2013). Despite councils’ duty to assist the homeless under the terms of the Housing Act (1996)<sup>93</sup>, there was confusion about the extent to which a housing authority had a responsibility to house an ex prisoner which focused on whether they had made themselves intentionally homeless<sup>94</sup>. These delays often resulted in the separation from their children lasting longer than their period of incarceration. Accommodation is therefore a key consideration when discussing the long-term pains of imprisonment for mothers. However it should be noted that several of the women who reported on-going issues with accommodation still had custody of their children, demonstrating that it is not inevitable that unstable accommodation will hinder a capacity to mother.

In fact two of the mothers interviewed in this research felt that prison had positively affected their housing situation. The first was Natasha, who had grown up in care and had been homeless prior to incarceration. She said she played the system and had deliberately offended so that someone would take responsibility for her, as she was tired of having to leave night shelters each morning. She was offered no housing support whilst in prison:

“they just threw me out with nowhere to go...but I was eligible for housing because the borough had a duty of responsibility for me because I’d left prison” (Natasha, 2 Years Post Prison).

She also felt that her detoxification in prison allowed for stability post-custody, as she could finally comply with the requirements of accommodation:

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92 Although councils have no obligation to anyone discharged from prison, they may have an obligation to those considered to be “vulnerable” within the meaning of the Housing Act (1996), which includes those with dependant children. This vulnerability was expanded in the Homelessness (Priority Need for Accommodation) (England) Order (2002) to include those vulnerable as a result of leaving prison. Thames Valley Housing Service (10th April 2014) said that those being released from prison after serving longer terms would be a higher priority for housing than those serving short terms.

93 This was further amended by the Homelessness Order (2002).

94 For example two London boroughs provided different responses about their duty of care. Lambeth (2014) said ‘there is no obligation to house someone on release from prison. It will depend on their level of need, if the level of medical need is high enough then the authority may decide that the person could not cope as a street homeless person. Their actions that led to prison may mean that they this would be deemed that they were intentionally homeless’. Whereas Southwark (2014) said ‘a person will need to have resided in Southwark for the minimum of 12 months prior to being incarcerated and it would also depend on a persons circumstances prior to being incarcerated, as to whether they would be classed as intentionally homeless’.

“I’m not a health and safety risk anymore” (Natasha, 2 Years Post Prison).

The second mother who felt that prison had positively altered her accommodation was Bella. She had managed to keep her council home as she was incarcerated for less than 13 weeks, however a prison program made her realise that she was in an abusive relationship. Therefore upon release she left her husband and moved area:

“I came out of prison changed, the way I thought, the way I spoke, the way I was” (Bella, 14 Months Follow Up Post Prison).

She believed that if she had not been incarcerated she would never have left the abuse or found a partner that respected her. As such, not all accommodation is negatively impinged by short periods of imprisonment, and these two examples highlight how prison can unintentionally result in beneficial consequences for women.

In contrast to the exiting literature, six of the women said their accommodation had been unaffected by their imprisonment, however it is thought that two of them would have benefited greatly from support with this in prison. Debbie, who had already lost custody of her son and was homeless prior to being incarcerated, left prison with no accommodation due to her failed asylum seeker status.

“It didn’t affect me, because I didn’t have anywhere to stay, I was just staying at my boyfriend’s house. If I was entitled to public funds it might affect me” (Debbie, 1 Month Follow Up Post Prison).

However she spoke about the unsuitability of her housing, as she was living with an alcoholic man post-custody in a one bedroom flat and was fearful for her safety. Likewise, as previously discussed, due to being Bulgarian Ursula was not entitled to housing benefits, and therefore returned to her friend’s spare room. However, since she was released, her friend’s son had had a baby and there was limited space in the house, causing pressure on her to find alternative accommodation. One-year post-custody she had failed to find employment and therefore they were all still living in the same cramped conditions.

A few of the mothers who had been concerned about their accommodation did actually return to their homes. In the previous chapter Dalia spoke about her anxiety about losing

her housing, but because she only served ten weeks her housing benefits continued whilst she was away, enabling her to return home unaffected. Similarly, Laura also returned to her supported housing, however in her 12 month follow up interview she described her concerns about not being housed in a more appropriate property for herself and her two children, because she had lost her points<sup>95</sup> as a result of her absence. This worry turned out to be unfounded as the council eventually offered her a two bedroom flat. However, she remained in her bedsit as the property she had been offered was in a different London borough, which she feared would have detrimental consequences for the continuity of her alcohol treatment and networks of support<sup>96</sup>.

In contrast, for Louise, despite returning to her previous accommodation, there had been a knock on effect as a result of rent arrears accrued during her absence. As she could not afford to pay either her rent or the accumulated debts, she consequently lived in fear of eviction. This fear continued for a significant time, and in her interview 10 months post-custody she said that she would shortly be in court for her tenancy to be determined, and that if she was forced to leave she would have to sleep on a friend's sofa. Although this did not directly affect her daughter, as she did not have custody of her, Louise's concerns about the future had a significant impact on her alcoholism, which will be discussed later.

Six women interviewed lost their accommodation as a result of their incarceration. In the previous chapter Steph's lack of post-release accommodation was discussed, the support she was promised never materialised and she felt let down both by those working in prison and in social services. She remained unable to resolve these issues and continued to move between different friends' houses.

“If I had not been to prison I would still be in my accommodation” (Steph,  
13 Months Follow Up Post Prison).

She felt these upheavals were not healthy for her young daughter in her custody, as she needed stability. Another mother with an infant lost her privately rented home, that she

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<sup>95</sup> Councils decide who gets offered housing based on a 'points' or 'banding' system, these are based on housing need (Gov.uk, 2013).

<sup>96</sup> Alcoholics Anonymous and church.

had been living in for at least two years, because she could not pay for it whilst she was incarcerated. She said when she left prison she could no longer work:

“I had to go from place to place, it was difficult. I lost a lot of my things that I’ve had for years because I was moving” (Bryony, 3 Years Post Prison).

After six months she said she could no longer cope:

“I packed all my stuff and took it to the (social services) office and I sat there, and that’s how they put me in a hostel for like a month with my baby before they gave us a flat” (Bryony, 3 Years Post Prison).

Although she was housed, she spoke of the problems with the first flat:

“the place wasn’t conducive for my baby...no matter how much you clean there was rats because the dumpster is not far away, so there’s always rats coming from gardens into your home, into your toilet holes...so I had to take them to court to move me” (Bryony, 3 Years Post Prison).

It took Bryony nearly a year after prison to receive suitable housing, and although it cost her a lot of money to replace the items she had lost it was the loss of irreplaceable personal possessions, like photos and letters, that upset her the most. Tara also took a while to regain secure accommodation; she previously had lived with her children in a house paid for with her own wages since she had left her husband seven months before. However upon release she had to live in a refuge for abused women without her children. It took her nine months until she was able to pay a deposit for a one bedroom flat, as the council were unable to house her quickly. However her daughters in foster care were unable to stay overnight with her until she found accommodation with additional bedrooms. Therefore despite obtaining full residency of her daughters 16 months post-custody, it took a further 3 months for them to be reunited when the council housed her in a larger property because of the high demand for council housing<sup>97</sup>. She displayed deep frustration at the lack of information regarding when she would be housed and regain custody of her children. She was not alone in this annoyance, when Dalia was released social services allowed her to have joint custody of her children with her parents.

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<sup>97</sup> For example, according to Lambeth Council (2014) they are unable to house to everyone who applies as they receive ‘over 3,000 new housing applications a year, and there are currently about 20,000 people already on the housing list’. In 2012/13, they offered 1,350 homes.

“They’re waiting for me to get off the methadone and see how I cope from there, they haven’t said a time limit...basically the social worker keeps saying well these things take time, it’s a long process” (Dalia, 11 Months Post Prison).

This uncertainty regarding the resumption of caregiving responsibilities on a fulltime basis caused quite a lot of additional pain to both mothers who felt prison continued to deprive them of their right to a family life.

In the previous chapter it was argued that many women experience a loss of goods and services as a result of imprisonment. Due to the delays finding housing Tara was unable to continue paying for the storage of many of the items she had kept whilst she was in prison, so had to dispose of most of them, which meant these had to be replaced later on. As already discussed often women are unable to regain possessions post-custody because of the ‘tenuousness of their relationships with the caretakers of these goods’ (Genders and Player, 1987: 170). For example, Donna needed her birth certificate to prove her eligibility to work, however due to the breakdown of her relationship with her mother she was unable to regain this, and had to borrow money in order to have a copy printed. Rather than a problem with the relationship with the caretaker of her goods, Marie lost the majority of her possessions because they got damp and mouldy in her friends garage. Therefore when she did manage to get rehoused she had to repurchase a lot of items. Unlike many of the other mothers Marie did receive housing assistance when she was released, however unfortunately the only available hostel was in a different city from her children. She explained why she initially found this to be problematic:

“the children couldn’t come there and live with me because you have to be over 18...and it was an hour and a half train journey away....We all found that a lot harder than prison, because I was there being dangled, but they couldn’t get me...I had to stay in the house with my box, so I could go see them but I had to be back in before 7pm” (Marie, 5 Months Post Prison).

For her there was an illusion of freedom whilst on HDC, which she thought was more problematic than the actual incarceration where it had been very obvious to her children that they could not live with her. However in a later interview she described how being



located in a different area might have helped her reintegration and again demonstrates the importance of repeat interviews:

“In hindsight it probably did me a favour because it got me back onto civvy street and I got to be my own person and rebuild my confidence and then come back and face all the people at school” (Marie, 9 Months Follow Up Post Prison).

However, as well as coping with the continued separation from her children as a consequence of her incarceration Marie also struggled with institutionalisation (Goffman, 1961), in that she lost her sense of self and became dependant on the custodial environment that she had initially been so scared of. As a result of this she found the conditions within the hostel in the first few weeks particularly hard. She initially found the silence very alien compared to the constant noise in prison that she was accustomed to:

“when you’re in prison you’re locked behind that door...you’ve got a guard walking around, you know? When I first stayed in there I had the lights on, I was listening to every single sound, so that was pretty horrendous” (Marie, 5 Months Post Prison).

She also described how she was placed in the hostel with drug users, and that on one occasion one of the residents overdosed and died, which she found very unsettling. She felt it was not a healthy environment to live so she was very keen to be rehoused. After nine weeks she found an estate agent who accepted tenants on housing benefits. However she said the size of the house she was offered put her under quite a lot of additional financial pressure, but felt this was worthwhile to regain custody of her children.

Another mother whose accommodation was negatively impacted by her prison sentence was Tanya. As a result of leaving an abusive relationship she and her children had been temporarily staying with a friend prior to her incarceration. She spoke of the limited housing options available to her because of her sentence:

“the women’s refuge wouldn’t take me because of my criminal record, women’s aid wouldn’t take me because of my criminal record. So what do you do? Do you stand out there and get beaten black and blue because there’s nowhere to go because of a criminal record?” (Tanya, 5 Years Post Prison).

Like Marie, Tanya was offered a place in a hostel in a different city from her children:

““you’re going to put me in a hostel in a city that I don’t know, with drug users and offenders...you’re going to put me out in the community with that. What do you think’s going to happen? I’m going to sink like anything”” (Tanya, 5 Years Post Prison).

Therefore as a result of these worries and despite a difficult relationship with her mother she chose to spend her HDC with her:

“It was the wrong move because my mum’s a nightmare...I actually stayed in my room all the time when I wasn’t at work...so my room became my cell again, that was the only way I could deal with it...I couldn’t wait to get back into my room because it was safe in my box” (Tanya, 5 Years Post Prison).

This environment was not conducive to her mental health and the need to be alone in an enclosed environment appeared to be an extension of how some of the women only felt secure in prison when they were in their cell. Both Tanya and Maria described how to some extent they had become institutionalised (Goffman, 1961), so that in many ways they experienced new pains of imprisonment post-custody. Like Tara, it also took a long time for her to regain her caregiving responsibilities, as although her son returned after three months, it took a further eight months for her to resume custody of her youngest daughter<sup>98</sup>, due to having to wait for a year for appropriate council housing.

### **The Importance of Stable Accommodation**

In the previous chapter Donna’s loss of her council tenancy, despite only 12 weeks in prison, and the lack of support from the prison staff regarding her accommodation was discussed.

““They opened the doors to me on the 30th December. ‘There you go there’s your discharge grant, off”” (Donna, 1 Month Post Prison).

Due to the long waiting list for council housing and despite approaching different organisations she was initially forced to sleep on a variety of friends’ sofas, which meant she could not regain custody of her son. Housing proved to be a long-term problem for

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<sup>98</sup> Her eldest daughter moved in with her boyfriend soon after she was released.

this mother and her lack of accommodation often put her in dangerous situations. For example two months post-custody she starting living with an ex boyfriend who became her fiancé. However this relationship soon ended due to domestic violence as a result of his mild schizophrenia:

“he beat the shit out of me, I was strangled, and bitten and scratched”  
(Donna, 5 Months Post Prison).

It took several months and another physical attack before the police arrested him and he was remanded by the courts, during which time she lived in fear of further attacks. Had Donna been able to retain her own accommodation she might not have felt the pressure to live with him and expose herself to this violence. In a later interview she said she had recently started renting a room in a shared house with a new boyfriend and seemed happy to have finally secured a place of her own:

“somewhere I could feel safe and shut the door at night” (Donna, 9 Months Follow Up Post Prison).

She spoke about their plans to save for a larger deposit for a two bedroom flat as she wanted her partner’s son to be able to stay over at the weekends. Despite the fact that she did not have custody of her son she also spoke about having children with her new boyfriend. The stability of accommodation allowed her to do this, and it became apparent that the impact of losing her housing as a result of prison was not simply an issue of inconvenience. For Donna, not having a place to call her own prevented her from living her life to the full, causing her liberty to be restricted. The feelings around her housing demonstrate that for many women accommodation serves as a basis for normal participation in society. In the previous chapter it was suggested that there is a direct link with secure accommodation and employment. Interestingly, although in her first interview Donna described how difficult it would be to find employment without a permanent address, she did get a job whilst sleeping on friends’ sofas or floors. This would suggest that as with accommodation and custody of children, it is possible to reintegrate back into work without stable housing.

However ten months post-custody she lost her job and the bedroom she rented. She

returned to a friend's floor before moving to another city where a neighbour physically assaulted her. Given the instability of her accommodation it was not surprising that she had failed to regain custody of her son who remained with his paternal grandmother.

### *5.2.2 Employment*

An issue faced by all sentenced ex-prisoners looking for employment is the requirement to declare their conviction<sup>99</sup>. The length of the disclosure depends on the sentence length, but even the women in this research who only served short sentences had to declare their convictions for a minimum of two years<sup>100</sup>. In the previous chapter the anxiety that many of the mothers interviewed felt regarding the impact of prison on future employment was discussed. For 11 women, these concerns or pains during their incarceration were supported by their experiences once they were released. Only six managed to secure any, even temporary, employment post-custody, two of which did not declare their conviction. Many spoke of the perceived stigmatisation surrounding their criminal conviction, and revealed underlying feelings of shame and guilt, that inhibited positive reintegration into society upon release. Despite the difficulties they faced in getting on to education courses and obtaining qualifications or employment whilst in prison, as discussed in the previous chapter, several of the mothers had been able to do this. As such, two of the women said that they acquired a skill in prison, either through education or employment, which would help them find work in the future.

Of the five mothers who felt their employment had not been impacted, two were previously unemployed and had not attempted to find work upon release. The third mother did not have to declare her criminal conviction because her sentence had been quashed by the High Court:

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99 Those who were remanded but then subsequently not found guilty do not need to disclose this when applying for work as they do not have a conviction.

100 Under the Legal Aid, Sentencing and Punishment of Offenders Act (2012) prison sentences up to and including 6 months, will become spent 2 years after the end of the sentence. Prison sentences of over 6 months and up to and including 30 months, will become spent until 4 years after the end of the sentence. Prison sentences of over 30 months and up to and including 4 years, will become spent 7 years after the end of the sentence. Longer sentences will not be spent and work with children or vulnerable people will always have to be declared.

“now that I know I don’t have to declare a conviction I’m not afraid to apply for a job. Whereas before I would have been apprehensive to say ‘I’ve just been released from prison’” (Bella, 4 Months Follow Up Post Prison).

This fear of applying for jobs is likely to affect whether other women apply for work because of shame or fear about the reaction their sentence might incite. The fourth mother found a job through a friend<sup>101</sup>, and the fifth mother returned to her previous employment<sup>102</sup>. It has already been argued in the literature review that in their research Hamlyn and Lewis (2000) found that those women who successfully secured employment upon release from prison, did so through family or friends, or returned to previous positions.

Another mother who also found work through a previous employer was Tara who had received a 10month prison sentence. She felt this person was willing to take her on because she understood that the offence was out of character. Prior to this she had struggled to find work because of her conviction, which she had to declare for four years post-custody before it would be spent. She described one such rejection:

“I passed the first interview, went through the second interview and she goes ‘that’s fine, we’ve just got this paperwork to do, obviously you need to do a CRB check<sup>103</sup> as you’re dealing with clients’...I said openly to her ‘I’m still on licence’, and she just looked at me like I was at death door, and she says ‘I’m sorry’” (Tara, 7 Months Post Prison).

Tara was very driven to help other female prisoners, and she described a desire to employ them in the company in which she worked. In her follow-up interview, however, she said that those she had helped had let her down because they had either not turned up or did not do the job properly. Another mother also talked about how people should employ those leaving prison:

“There is not enough support when they come out, there’s not anyone saying ‘right...I’m going to take you all onboard, I’m going to give them all a job’...But there’s nothing like that...They’re just going to end up back in prison” (Una, 1 Month Follow Up Post Prison).

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101 As a drugs worker, she previously worked as a nurse.

102 She worked for her partner.

103 Criminal records bureau check, now Disclosure and Barring Service (DBS) check.

Una was one of the mothers who returned to her previous employment, but she said she would have felt very different if this had not been possible:

“had I tried to find a job it would be virtually impossible, because of my age and because I’d have to sign some declaration to say that I’ve been in prison...I’m not in a position that I need to go and find a job, that I’ve got to tell them my history” (Una, 1 Month Follow Up Post Prison).

As she received an eight-month sentence, she would have had to declare her conviction for four years post-custody. Although the Equality Act (2010) prevents age discrimination, it is suggested that Una’s fear about her age is supported by academic research (Rippon et al., 2013).

As a result of the issues with finding work with a prison record, two of the mothers made the decision not to declare it when applying for jobs and both had found employment. Tanya said she did not actually lie to her employers, as they never asked. However, she believed that if they had been told they would not have hired her:

“they never knew I was on tag because I wore long trousers or boots, I never felt that I needed to tell them” (Tanya, 5 Years Post Prison).

Donna had been unable to return to her cleaning position. Previously her concerns with finding employment with unstable accommodation were discussed, and for a while she could not obtain one without the other.

“The form said have you got a criminal record? I said no. They aren’t going to do a CRB check on office staff are they?...so I’ve been sneaky, but it got me a job” (Donna, 6 Months Follow Up Post Prison).

She felt she would not have been given a chance if she had declared it and felt the risk of being found out was worth it to pay a rental deposit. As previously discussed for Donna the length of short sentence fitted in with the time it would take in college to gain the qualifications she now held. She actually obtained the job as a result of the qualifications<sup>104</sup> that she achieved in prison because the certificates acquired have the name of a college printed on them rather than the prison. However, this job was eventually

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<sup>104</sup> This included computing and word processing.

lost due to an injury at work, which had negative implications for both her financial situation and mental health. She was signed off by her GP for several months, but after a miscarriage she decided she could not return to work in the given timeframe.

Several of the mothers described how their criminal conviction made them feel different, they thought people knew about prison and looked at them differently, they felt marked and labelled as offenders. Marie described living with “a cross on your back” and how filling out job applications was so much harder since being sentenced.

“When you apply for jobs they always ask for a CRB, whereas before that never used to be an issue for me because it was just a no, you didn’t pay attention to the question. But now it’s a big issue...you have to go there, and they’re going to check what you did” (Marie, 5 Months Post Prison).

Ward and Kassebaum (2009: 9) suggest that the ‘label of “prisoner” has a lasting impact...The worst consequence is that it impairs future social activity...It leaves a woman with a feeling of degradation – no one is really accepting her as a person any longer – just an ex-con.’ These feelings and concerns were expressed by several of the mothers:

“you can’t just slot back into your normal everyday life...it’s almost like you want to walk round with a sandwich board saying ‘my name is innocent’” (Una, 1 Month Follow Up Post Prison).

“Maybe I’m a criminal, because that is what they want you to believe...what if someone provokes you on the street, what should you do, should you stand there and let them stab you? Should you run away?...because of that I have become so guarded...it’s horrible” (Danielle, 8 Months Post Prison).

Tanya described how she struggled with the shame of having a criminal conviction, and how she looked forward to when it was spent.

“I couldn’t even write down my charge, I had to get support worker to do it, I kept saying I can’t write it, you know, it’s just, so many things that I’m so

far down the line but they still effect you. I can't wait for my ten years<sup>105</sup> to be up" (Tanya, 5 Years Post Prison).

She explained her recent issues when she tried to volunteer with the organisation that housed her:

"my CRB form keeps coming back because of it...Like at one stage it was like 'look, you know I've got the criminal record because hello you're my landlords'" (Tanya, 5 Years Post Prison).

One mother described why she thought it was hard to find employment:

"they think 'she's been to prison, she's a criminal'...they put yours to the side for 'special attention' and deal with the rest, then they come to yours and start contemplating, 'hmm she might steal if she works here'. They don't know your actual offence, they don't want to know, the moment you write 'I have a criminal record' that's it" (Bryony, 3 Years Post Prison).

Ursula was another mother who struggled finding work because of her sentence:

"everywhere asks, even for cleaning jobs...if they ask I can't lie<sup>106</sup>...I applied to all the colleges and I have all the letters that they sent me back, they said no...the first thing they think of is I'm an offender" (Ursula, 5 Months Follow Up Post Prison).

As her youngest son was 17, her biggest worry after leaving prison was finding employment. She reflected about the impact of prison:

"It's making me go down, to not be myself. Before it was very easy for me, I was very confident when looking for jobs, always I can get a job, but now I'm like this with my head down, worried, I don't know what people think about me" (Ursula, 5 Months Follow Up Post Prison).

She said prison changed her personality, and unlike the other four mothers interviewed both in prison and in the community, she appeared more depressed post-custody, possibly because in prison she was on remand, and so she had hope of being found not guilty, or

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105 Previously the time spent for prison sentences between six months and two and half years under the Rehabilitation of Offenders Act (1974) was ten years (NACRO, 2004). This has been reduced to four years under the Legal Aid Sentencing and Punishment of Offenders Act (2012).

106 Ursula spent six months on remand, before she received a 12-month sentence, at which point she was released. As such she will have to declare her conviction for four years after she was released.



because of her time in segregation. She described her irritation with the lack of help she was given finding work:

“the job centre has not helped me to do anything...It’s not fair because some people they want to work, they want to educate themselves, and some people they don’t want to work they want to claim benefits...but I’m stuck doing neither” (Ursula, 5 Months Follow Up Post Prison)<sup>107</sup>.

She was not alone in finding the job centre unhelpful, several of the mothers reported receiving little provision for finding work in the community:

“There was no help from the prison, no help from the outside world...I haven’t received any help, if I don’t have a job they could at least train me in how to do something else because that would at least keep me busy” (Danielle, 8 Months Post Prison).

Ursula described why finding employment was so important:

“I just want to work, I can’t stay at home, you know when you stay at home you’re only thinking, thinking, thinking, you feel useless, it’s not nice” (Ursula, 5 Months Follow Up Post Prison).

As previously argued, too much thinking time was something that was reported as negative for many of the women in prison. One other mother, who had found work, described similar feelings when she was unemployed. Being in work distracted her from more negative thoughts:

“when I weren’t working I got very depressed over it, now I’m working I’ve got something to focus on...The work is pulling me through” (Donna, 6 Months Follow Up Post Prison).

In comparison, for Marie being employed was not a case of distracting her from depression, for her it was essential to paying off debts and replacing her possessions that had been destroyed in storage. Financial problems were a real on-going concern which employment would help relieve.

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<sup>107</sup> As previously discussed when she was interviewed in 2012 Bulgarian’s were entitled to work in the UK under certain circumstances, but not entitled to benefits. This changed in 2014.

“If I got a job, I think things would flatten out. And I would probably manage, but obviously it’s starting new...it’s getting beds, it’s getting other furniture (Marie, 5 Months Post Prison).

Although she was still unemployed in her follow-up interview she described how she had acquired a skill in prison, which she thought would help with her recent application to the local county council to work in the kitchens.

“I can now say ‘oh yes I’ve worked in a kitchen’, you know before I would have said no what’s pot wash?...I was completely open with them, I said I’ve just come out of prison...but it’s nothing to do with children or anything” (Marie, 9 Months Follow Up Post Prison).

For her, being honest was the best approach to finding work, and it seemed that this honesty had been rewarded as the council had said they were happy to employ her, they just had to find the right job. She remained hopeful that a position would be made available in the near future.

In contrast a few of the women did not attempt to find work once they were released. As a result of her requirement to attend the Family Drug and Alcohol Court (FDAC) on a regular basis Laura said she had little time to find employment. Nonetheless, she was concerned about how her opportunities would be suppressed by her prison sentence.

“What if I do go for a job and they say no because you have to reveal that you’ve done time...does it mean if you do get a job you can’t climb the ladder?” (Laura, 12 Months Follow Up Post Prison).

It is unclear if these worries will prevent her from ever attempting to find work, but 20 months post release she had still not looked for paid employment and struggled to regularly attend her voluntary job.

### *5.2.3 Financial Difficulties*

In the previous chapter it was mentioned that many of the women interviewed had financial problems prior to their incarceration. Often these did not desist once they were released. As a result of prison, 9 of the 16 mothers said problems with money had been worsened, of the remaining seven, four said prison had not had a noticeable affect and

three said their financial problems had both been positively and negatively affected by prison.

One of the four mothers who said her finances were not impacted by prison reported a slight delay in sorting her benefits when she was released, however this caused very little stress for Natasha as she had some of her disability allowance saved. The second mother Dalia also noticed little impact on her finances. The third mother Maggie felt her finances had not been impacted by prison because she had been able to find new work and her rent had been unaffected by her brief departure. Debbie was the remaining mother interviewed who felt her financial situation was unaffected by prison. However, as argued in the previous chapter, it is felt that prison staff could, by putting her in touch with Hibiscus, have helped improve what is considered to be quite a problematic financial situation because of her failed asylum status.

Three mothers said their financial situation had been both improved and worsened by prison. Bryony felt it was better because prior to incarceration she had not been entitled to any benefits and had been working illegally. Since she was released she was still unable to work, but social services had found a group who helped people with no recourse to public funds, and through that she had been accommodated. They were still doing so three years after her release despite some initial problems with the suitability of the accommodation she was offered. She thought this would never have happened if she had not been remanded and therefore thought this was a beneficial consequence of her incarceration. However, there were negative financial repercussions, in that her credit history had been affected and debts had accrued. Bryony's bad credit history affected her continued inability to legally borrow money to pay off her debts. Two other mothers said they were in a healthier financial situation in custody because of some debts being cleared, however again for both there were unexpected negatives in relation to money as a result of prison. Bella was in a better position to pay bills after she was released:

“I make sure everything's paid now...I deal with the situation rather than sweep it under the carpet” (Bella, 4 Months Follow Up Post Prison).

Nonetheless, she said she had become anxious about the thought of new bills arriving, something that got worse when they actually came. This continued to be an issue:

“when there’s a bill or a letter that I don’t understand I get panicky’ (Bella, 14 Months Follow Up Post Prison).

Consolidating all her outgoings and debts into one loan appeared to reduce the anxiety of the unknown or confusing statements, however her financial problems should not have been an issue post-custody, as she should have received compensation as a result of her unlawful imprisonment (Criminal Justice Act, 1988: s. 133). Although this had been approved, nearly two years post-custody she was still waiting for her payment. In comparison, although some debts had been cleared as a result of her sentence Donna struggled to get her benefits back in place when she was released. When she was first interviewed she said she wanted to use the unpaid amount that accrued during her incarceration for a rental deposit. Getting her finances back in order was very important:

“until I get that money I’m up shit creek without a paddle” (Donna, 1 Month Post Prison).

Although she eventually received this payment it was not enough for a deposit, and therefore she applied for a loan. However the loan company was not legitimate:

“I got done over by the loan company, they took my hundred pounds and gave me nothing...The police say that they probably will not be able to get my money back” (Donna, 2 Months Post Prison).

This money was never recovered, and therefore she was even worse off financially. It is suggested that she may not have required the loan if she had not lost her tenancy when she was incarcerated. Donna also described her frustration at not being able to afford to stay in education. However once she found employment, they enrolled her on training days so she was able to further her studies.

The majority of the mothers interviewed said their finances were worse as a result of prison. In the previous chapter there was a discussion about Danielle’s problems maintaining her benefits despite speaking to Inland Revenue whilst she was incarcerated:

“the money stopped from September till nearly February, it took me months to get it back, I had to keep phoning and writing letters” (Danielle, 8 Months Post Prison).

She also said her short sentence length made it difficult to backdate her child credits:

“to start with they didn’t want to back pay it, but because the child tax credits they have to be over 12 weeks, and I was less than 12 weeks” (Danielle, 8 Months Post Prison).

It took nearly six months to resolve her financial problems. In line with the existing literature on women becoming dependant on the prison system (Clark, 1995; Durcan, 2008), previously some of the women’s feelings about the childlike treatment in prison were discussed. For Tanya the lack of autonomy during her incarceration and the stripping of decision-making resulted in her struggling to help herself upon release. She described how having to regain responsibilities after prison were her ‘downfall’:

“trying to look after the kids, keep a house, pay off debts. I just couldn’t do it...I’d been used to £12.50 a week, that’s it. I wasn’t used to having to think for the children, to think what I was having for dinner, I was being told what I was having, I didn’t have to think about gas and electric, or putting petrol in the car or insurance” (Tanya, 5 Years Post Prison).

Another mother mentioned how much easier it was in prison for some:

“I thought when I was there ‘why does this woman come back to prison’, it is because she doesn’t have to think about anything, a bed, food, bills, nothing. It’s much easier” (Ursula, 5 Months Follow Up Post Prison).

Tanya’s positive experience of psychotherapy in prison was also looked at in the previous chapter, however, this counselling stopped abruptly when she was released. She described how vulnerable this left her:

“so you’ve opened all of this and then you’re shut down, and you’re meant to be dealing with it. What? How can you deal with it? You can’t” (Tanya, 5 Years Post Prison).

For her the limited support she received on the outside compounded her difficulties with taking on pre-existing responsibilities. For her the deprivation of autonomy was an on-going pain of imprisonment as she struggled with normal everyday responsibilities.

This lack of support and sudden removal of psychotherapy could have been quite devastating for Tanya who had worked hard in prison to improve her life. It raises the

question about the adequacy of the support currently available for those released after serving short terms of incarceration, and whether the new arrangements to supervise all short-term prisoners upon release, will be able to respond to this shortfall.

Tanya also had to pay rent arrears accrued in prison, however she felt the local council initially made her pay this back at an unachievable level:

“when I came out they bullied me like saying ‘you’ve got to pay this, you’ve got to pay that amount’. Now I actually know that I don’t have to, and I even said to them ‘just send me back to prison’” (Tanya, 5 Years Post Prison).

She said it took her over two years to resolve the debts created by her sentence.

Several of the mother’s financial situations were worse since prison because of their inability to find legitimate work. Previously Louise paid her rent by working informally at a coffee shop, however she could not pay her rent whilst she was remanded so built up arrears. Upon release she did not want to return to this work.

“I don’t really want to do cash-in-hand because that’s kind of fraud isn’t it? I don’t know if it’s illegal so I don’t want to do anything to jeopardise my sentence, because I’ve got a 12 month suspended sentence, if I do anything I could end up back in there” (Louise, 1 Month Follow Up Post Prison).

In order to pay her debts and continuing rent she had to borrow money from friends and family, she had sold some jewellery and made contact with several organisations in the community who financially helped her. Finances continued to be problematic when she was interviewed ten months post release. Likewise, Ursula (5 Months Follow Up Post Prison) who had a right to reside in the UK said:

“money is a problem if I can’t find a job, now I just have to wait for my friend to help me...but it can be forever.”

Her situation was made worse because she did not have habitual residence:

“because of my status now I can’t receive jobseekers allowance or any kind of benefits. I think if I had a different status it’s going to be much more easier for me” (Ursula, 5 Months Follow Up Post Prison).

Another mother described how she struggled to buy things for her young daughter because she could not work, Steph was therefore dependant on her child tax credits and child benefits<sup>108</sup> which were spent on small items for her daughter. Several of the mothers said the small amount of money they now had was spent on their children and therefore they personally went without. Laura also said finances were an on-going pain of imprisonment. Although initially she was unconcerned about money, in a later interview she described the unexpected long-term problem. As discussed previously Laura was required to attend frequent FDAC sessions, which prevented her finding work. Consequently she struggled to buy items:

“I’ve got to wait to afford things, everything is delayed” (Laura, 12 Months Follow Up Post Prison).

Her situation remained unchanged in her 20-month post release interview. For Marie, as a consequence of losing many of her possessions and not being able to find employment post-release, finances continued to be a major concern.

“I still have a lot of stresses in my life, money being the biggest one, but I deal with it, I talk to people about if I can’t pay them now, I talk to them about it and say would you mind if I do £5 a week or whatever, and I sort it out now rather than pushing it away” (Marie, 5 Months Post Prison).

For Marie juggling debtors post-custody continued to be difficult, but she had learnt not to avoid it, each week she decided what debt needed immediate payment, and what could be delayed. Despite this she struggled to pay household bills, and without employment these and the high level of rent continued to be stressful and may even have consequences for her gambling issues, which was the reason for her incarceration in the first place.

Despite returning to work post-custody Una also struggled financially because of the knock on effect of prison:

“I’m blacklisted...you can’t have insurance, everything you go to do is going to cost you so much more money because you’ve committed a crime. You can’t borrow money...Every turn you go though you’ve got to tick a box that tells you you’re a criminal, which is a horrible feeling” (Una, 1 Month Follow Up Post Prison).

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<sup>108</sup> Her daughter was a British citizen so she also had a right to reside, which made her entitled to these benefits.

She felt it was unfair to continue stigmatising her and making her feel like a criminal. Tara also mentioned how her criminal conviction caused complications with insurance, although she did not have any rent arrears to pay post-custody because she had been able to sell a lot of her furniture.

“If you’ve got a criminal conviction you have to pay a higher tariff...I had to put over a grand on the car insurance, but that was my thing to get to see my children” (Tara, 7 Months Post Prison).

As a result of their incarceration both of these mother’s had to pay more money for what they believe to be essential insurance.

#### *5.2.4 Psychological Harm*

In the previous chapter it was suggested that for various reasons the majority of the mothers interviewed (12) found that their mental health was negatively affected during their incarceration. This did not cease when they were released, but continued to be an on-going issue. It is suggested that this is in direct contrast to the constitution of the World Health Assembly (2006: 1) which states that ‘the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.’ Most of the women continued to contend with psychological harm for a much longer period of time than their term of imprisonment, with some struggling many months or even years post-custody. Most received very little assistance for these issues in the community, as they did not have enough time in prison for the links to be made with groups offering support.

Several of the mothers discussed their disorientation when they were first released. Natasha described being in a dreamlike state when she saw cars and people for the first few weeks. Two other mothers described similar experiences of disorientation, however these negative reactions were on-going, unlike Natasha, possibly because they were both incarcerated for a number of months rather than weeks. They both recounted their journeys home from prison as they struggled with their new freedom:



“I’d been shut away in a room on my own for four months and then they put me in the middle of Liverpool street to find a train...it was just really daunting and that really scared me” (Marie, 5 Months Post Prison).

“I sat on the train huddled, because you’re not used to all these people around you” (Donna, 6 Months Follow Up Post Prison).

As a consequence of Marie’s frightening experience at the railway station she said she now had problems being near groups of people:

“I find it hard with public transport, so I want to get my own car” (Marie, 5 Months Post Prison).

In an interview four months later she said that her father had bought her a car, which she was very relieved about, as the issues with crowds had not dissipated. Previously her, and Tanya’s institutionalisation was described, however Donna also explained how she coped when she stayed in a friend’s bedsit:

“I kept getting up and checking the door was locked...The next day I did go out, but as strange as it sounds, when we came back...I looked at the clock and I said ‘it’s bang up time’...He said ‘come on lets go out’, I said ‘no, it’s bang up’...It will stay with me for a long time, I reckon that will still be with me 20 years down the line” (Donna, 6 Months Follow Up Post Prison).

For Donna it was strange suddenly having freedom to choose when she could go out or go to bed in comparison to being locked up each night in her cell. She had become accustomed to the rules and regulations; the lack of autonomy had become normal. For a long time she felt uncomfortable when it reached that time of day. However in a later interview ‘bang up time’ did not appear to be affecting her as much; work distracted her from these memories. It is therefore suggested that assisting these women to find employment post-custody might help alleviate some of the symptoms of psychological harm that appear to be prolific in the mothers who were interviewed in this research.

For many of the mothers their psychological harm continued for much longer than their sentence. Both Donna and Natasha reported on-going issues with small spaces and the noise of slamming doors, and Tanya described on-going problems with keys. When she moved into her most recent accommodation she became quite upset when she was given a key card rather than a key:

“no, I need keys, don’t you understand?’ I need to actually have a key, because I feel like I can’t get in or get out without them (Tanya, 5 Years Post Prison).

The lack of autonomy in prison meant she felt she needed to be in control of various elements of her life post-custody. She described how sounds in the accommodation reminded her of custody:

“Our managers office was upstairs and she’d play with her keys in the morning to try and get in the door and then she’d stomp up the stairs. I said ‘look, you’ve got to stop that...it reminds me of prison’” (Tanya, 5 Years Post Prison).

In fact, several of the mothers described reminders of prison:

“It will always be there, because it’s not just in my mind it’s in everybody’s, everybody knows, so it doesn’t go away...as much as you put it in a box” (Una, 1 Month Follow Up Post Prison).

“It doesn’t matter how hard you try to put things away there’s always that constant reminder of prison, you know it’s silly little things, like you could be standing there washing up and like you look out onto the garden and your mind wanders back there” (Bella, 4 Months Follow Up Post Prison).

In a later interview Bella said she continued to have these flashbacks:

“something little will trigger you to remember and think back to when you were in prison, at counselling they said that was something that will never go away” (Bella, 14 Months Follow Up Post Prison).

Other women also described these physical cues, for example after finishing one of the interviews with Laura she pointed at the hatch at the reception of her hostel, and said

“that reminds me of the medicine hatch at the prison, where they dispense the drugs. There’s reminders of prison everywhere” (Laura, 12 Months Follow Up Post Prison)

For these women although they had regained their liberty they continued to experience moments of this deprivation, however they all described different triggers.

In the previous chapter, the level of anger that some of the women felt about their incarceration and the injustice related to this was discussed. Bella's anger was connected to the feelings of being tricked into attending court and not having it explained to her.

“You know you shouldn't be there, the anger of knowing that, if they'd have said to me, or explained everything a lot more then maybe I could have understood, but they didn't” (Bella, 14 Months Follow Up Post Prison).

Several others continued to feel this anger once they were released.

“You can see it all boiling up so when you get out of there you've got so much built up anger inside of you waiting to be released, it's not healthy” (Una, 1 Month Follow Up Post Prison).

“I get very angry with the criminal justice system...I've lost my trust in the police...I don't think basically the police are acting in the public interest, I think they are acting in personal interest on how to get a promotion” (Danielle, 8 Months Post Prison).

As a result of Laura's on-going anger post-custody she was enrolled on an anger management course by her offender manager<sup>109</sup>, which appeared to help. However, she also said that she had on-going issues with her sleep:

“I had a lot of nightmares in the beginning that I was back in there, they are petering out, but I'm still having them, that your children are going to be taken away that you're in prison...in a dream it looks different, but the same feelings” (Laura, 12 Months Follow Up Post Prison).

The combination of these problems made her question whether she had developed post-traumatic stress disorder (National Health Service, 2013f) as a result of her imprisonment.

In comparison, the feelings of guilt that were discussed in the previous chapter appeared to continue post-release but manifested in feelings of depression and lack of self worth. Tara's disappointment with her children's foster carers was previously described, for her the continued separation post-custody, affected her daughters, and this made her feel like a bad mother.

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<sup>109</sup> She was one of the few mothers who had previously served a community sentence so was already working with probation.

“I feel like a failure in that I can’t provide for my children, because even though they’re safe, they’ve got a roof over their heads, they’re eating, going to school, I’m not doing what a Muslim should...I feel like a failure even though I’m outside, I just wait for the day that they get back to me and I then I can provide for them” (Tara, 13 Months Follow Up Post Prison).

Below is a section of one of the interviews that was carried out with Bella (4 Months Follow Up Post Prison) in the presence of her older, non-dependant daughter Lydia. She was asked whether she felt her absence had affected her relationship with her children.

Bella: Oh yeah definitely I do...I feel like I let them down as a mum.

Lydia: You mustn’t think like that, you haven’t.

Bella: I know I haven’t, but that’s the way I feel, you know, and like I feel like they don’t trust me because I let them down in that sort of way whereas I should have maintained everything good, as being a mum, you have to maintain and make sure everything’s in order in the home life.

Interviewer: Have they (her children) reacted in a way that makes out they’ve been let down?

Bella: They get angry sometimes, and they go ‘oh well you left us’, but it wasn’t a choice, it wasn’t my choice that I wanted to leave them.

Interestingly despite the fact that Lydia said that her mother had not failed, in a later interview Bella still felt a huge sense of guilt.

“I do feel I let them down, when Lydia needed me the most when she was heavily pregnant and with one of her brothers being a young dad, they needed me and I wasn’t there...and she’d got the worries of my youngest and everything else, it was a big responsibility for her, you know?” (Bella, 14 Months Follow Up Post Prison).

For almost half the women (8) their time in prison exacerbated pre-existing depression, and they lived with increased problems during and post-custody, whilst for some (5) who were previously not depressed, they developed depression in prison, which persisted post-

custody. Many of the mothers reported feeling very low, and Dalia described how she had struggled initially because in order to abstain from drugs and crime she had to cut herself off from many of her former peers.

“It was hard, I’m not going to lie, I felt very lonely...I still do” (Dalia, 11 Months Post Prison).

Leibling et al., (2005: 106) argued that getting clean often increases people’s isolation because of the ‘realisation that friendships that had revolved around their drug use were now meaningless.’ One, non-drug dependant, mother also had to change her friendship groups as a result of custody:

“I don’t have some of my friends; they don’t like me to come to their house because of prison, before I was happy, now not so much...The new friends are people I met in prison, who understand and feel the same” (Steph, 7 Months Post Prison).

However one of the mothers highlighted the problem with associating with ex-prisoners upon release:

“some will go there innocent and come out to be criminal because they will get used to them people inside, and when they come out, their lives will turn forever, they will keep mixing with them” (Danielle, 8 Months Post Prison).

Steph also articulated how her feelings of depression in prison persisted:

“I now have a lot of down days...because I’m not like before...when you come out it’s worse” (Steph, 7 Months Post Prison).

However in her 13-month post-custody interview she appeared much happier, reporting that she had fewer down days and that for most of the time she did not think about prison. However, she admitted that she continued to have days when she had no hope for her future. Another mother described how, as a result of her low mood, her family needed to wash her when she was initially released, as she would not get out of bed. However, eight months post-custody she felt she was beginning to regain her life. Despite this, she said she still had dark days:

“sometimes you can’t help the depression, you keep fighting it because personally in my life I never intended to go to jail, everything I did I did to be a good citizen, to go and get a better education, to find a nice job, to lead

a perfect life by the example of my parents...in my family I'm the first one going to jail, I feel like I'm a failure" (Danielle, 8 Months Post Prison).

This sense of failure was repeated by several of the mothers, for example for Louise it was the fact that she was so scared of everything as well as her criminal conviction that made her feel like a failure.

As discussed in the previous chapter, many of the mothers started taking anti-depressants in prison, however most did not stop taking them soon after they were released. Bella said it took her 11 months to fully come off the anti-depressants that had been prescribed by the prison doctor. In contrast, Laura had been on anti-depressants prior to her incarceration, however she felt prison had inflicted psychological harm, which had exacerbated her existing struggle with depression. In one interview her medication had recently been increased:

"I felt suicidal last week, I didn't want to get out of the bed, I didn't want to leave the flat, and that's not fair on the kids...All I did was get up to wash my daughter, to give them their food and she's like 'I want to go out', and I said 'mummy don't feel well', if it weren't for the kids...and that's me on the anti-depressants" (Laura, 12 Months Follow Up Post Prison).

She continued to describe days like this in her 20-month interview. Other mothers conveyed similar feelings:

"sometimes I get stressed, I've seen a doctor and they told me I should try not to be stressed, but how can I try not to be stressed if I'm not getting the help that I'm looking for" (Debbie, 1 Month Follow Up Post Prison).

As a result of these problems she spoke about ending her life:

"I don't see what I'm living for sometimes because I just feel too much inside and where is the help?" (Debbie, 1 Month Follow Up Post Prison).

She was not alone in having suicidal thoughts, when she was released to the hostel Marie also struggled with this:

"I did feel a lot more down because I was on my own. I hadn't been used to that, and the worry of getting a house was a big issue...I did notice it (the anti-depressants) kick in a little bit more" (Marie, 5 Months Post Prison).

However they both went on to explain how, like for many of the mothers who feel suicidal in prison, the thought of their children stopped them acting on these urges.

“You have the thoughts, but now the only thing that stops me is the children...I was having terrible thoughts like that, you hate being low like that because no-one can get you out of it but yourself, but it’s really horrible. You feel like you’re carrying a big weight, or a cloud over you, and you’re thinking I want it to shift” (Marie, 5 Months Post Prison).

The consequences of maternal depression will be discussed further in the next chapter.

Several of the mothers described how prison changed who they were and how this affected their relationship with others:

“I have become very selfish because before prison I was a peoples person, you know everything would go to other people first before I think about myself, but since I come out I have been so scared of people. I don’t like people being too close to me, like even with my son, he has become a very huggy huggy person, kissy kissy, but when he’s on me sometimes I get scared because I might hurt him again” (Danielle, 8 Months Post Prison).

“I’ve lost my belief in people, I’ve also lost control of my example to my kids...if I think they’ve done something wrong I say it’s not good, and they say ‘if it’s not good, why have you been in prison?’ That makes me sad” (Ursula, 2 Months in Prison).

Ursula reported feeling different post-custody, feeling worse than she did whilst inside.

“I feel like I’m not living my life anymore, I’m living someone else’s...What’s going to happen to my son? I worry, worse than when I was inside...I have changed since being in there. I feel I am not the same person from before...I don’t have that many people around me, I’m not that open, I’m more private, I’m afraid if something’s going to happen again” (Ursula, 5 Months Follow Up Post Prison).

She lived in fear that she would lose her liberty again, which would bring about all the concerns she previously dealt with in prison. This anxiety, combined with her sleep problems, was having a significant long-term impact on her mental health.

Another mother also described struggling with everyday activities post prison.

“I just deal with each day as it comes...I don’t plan too far ahead because I don’t know how I’m going to be on a daily basis...Had they put me in the community it would have been better for me, because I’m still in surroundings which is normal, in there to survive you have to be devious...and it makes you a different person, so when they say they’re trying to rehabilitate you, they are not rehabilitating you” (Una, 1 Month Follow Up Post Prison).

Interestingly Una was one of the few mothers who described no mental health issues in prison, for her it only became an issue once she was released.

“I’m struggling to move on, the hurt is still there” (Una, 1 Month Follow Up Post Prison).

As a result of these negative emotions created by prison she had requested counselling from her GP. However it took over four months for this to be arranged but once it began she said it was helping. Other mothers described other on-going psychological harms, Bella’s concern about bills arriving was previously discussed, and her anxieties were not confined to this.

“I get panic attacks all the time now, even with the smallest thing. Some days I can’t even leave the house...I always have nightmares, I haven’t had a good night sleep in months. I’m getting counselling for this, I’m not sure how I survived behind those closed doors” (Bella, 4 Months Follow Up Post Prison).

She explained how this continued to impact her life:

“I’d be out and I’d say ‘I’ve gotta go home’, and when I get home I feel safe indoors, but I just want to get in and shut the door, now I don’t really come out” (Bella, 14 Months Follow Up Post Prison).

She described how when she felt like this she would try and put on a ‘brave face’ for her children, as she did not want them to worry. Although her panic attacks were subsiding in frequency, they were a very real on-going pain of imprisonment.

Although in the previous chapter a lack of sexual relations were not cited as an issue for the women whilst they were in prison, as a result of their incarceration several of the mothers chose to continue their deprivation of heterosexual relations. Stating that they



needed to concentrate on rebuilding their lives and providing stability for their children, they said that they were not interested in entering into a new relationship.

“I keep myself to myself and I don’t have relationships, I don’t let myself get close to men because that’s when complications come in...I just want to have a few years of just being myself with the kids and not having added complications or worries” (Marie, 9 Months Follow Up Post Prison).

One mother thought it would be hard to find someone who would understand she was not a criminal:

“to be honest with you, at this point in time I couldn’t have a relationship because I’m thinking the moment your partner, there’s a lot of horrible men out there, when they know your situation they want to take advantage of it, you know, like in a slavery kind of a way” (Bryony, 3 Years Post Prison).

The continued feeling of loss of liberty was discussed by many of the women in this research. Several of the mothers were released early from prison on HDC the conditions of which required them to stay at a predetermined address normally for 12 hours overnight (Prison Service Order 6700, 2010). Although everyone who was released through this process was happy to be out of prison early, many described the consequences of being electronically tagged.

“When I had the tag I was scared to go to the supermarket because I used to think the alarm would set off. I wouldn’t go anywhere because I didn’t want to set any alarm off...even the tag people came to my house after three days to see if I was alright...the lady said ‘I thought maybe you’d cut away at it.’ I said ‘I’m here, I’m just waiting for the month to go’” (Danielle, 8 Months Post Prison).

Marie discussed how she was scared the whole time she was on HDC because she was fearful about not being home on time:

“When it’s two o’clock and when it starts getting dark I’m running and my sister keeps telling me it’s only two o’clock, and I’d be like ‘I have to go home, I don’t want to go back to prison’” (Marie, 5 Months Post Prison).

Another mother described an occasion where delays with public transport affected her journey home one evening:

“I was shaking, I got home two minutes to six, I said God, I held my hands out, I thought I was going back to prison, what would I say?...When you break the rules you will be finished, if they arrested me again they wouldn’t listen to what happened” (Steph, 13 Months Follow Up Post Prison).

As such, Steph would not leave the house for very long whilst she was on tag through fear of being late again. Several of the women described the feelings which Ward and Kassebaum (2009: 9) reported in their research,

the worst consequence is the [label of] ex-con which follows her for the rest of her life. She can never again be involved in the slightest difficulty or problem without being reminded of the fact that she is an ex-con.

Steph felt that she was stigmatised as a consequence of prison, for her she was still considered by others as an offender despite the fact that she had served her sentence. This raises the question of how long these women live in fear and at what point they are able to put their offence behind them and continue their lives ‘rehabilitated’. Ward and Kassebaum (2009: 10) argue that ‘the role of citizen can be taken away through an official process, but there is no similar process by which the role of prisoner is done away with upon readmission to the free world.’ This constant fear whilst on HDC and returning to prison interfered with Steph’s sleep, but she said as soon as it was removed she felt free. Una described how the electronic tag made her physically feel stigmatised and unable to mother properly:

“you feel like you’re branded, like cattle...there’s got to be a better thing, we’re human beings. To wear this I think it’s just horrible. I’m not a violent person, I’m not a danger, do they think without this that I’m going to run wild?” (Una, 1 Month Follow Up Post Prison).

For her being on HDC was a reminder of what she had been through:

“I don’t feel that I’m out of the quagmire yet because of this tag really, I think I’ve still got that hanging over me...I don’t feel like I want to go anywhere with this on to be honest, I was to isolate myself until such time” (Una, 1 Month Follow Up Post Prison).

In fact some of the mothers said in some ways the HDC was worse than the actual incarceration, previously Marie’s feelings about having to live away from her children and needing to leave them at a certain time was discussed. Likewise:

“You’re still restricted...it still made you institutionalised, obviously I went for tag because I wanted to be with my children, but sometimes I think that was the worst thing I could have done, I should have just done the next month (in prison)...I was still being controlled by the ‘tag’” (Tanya, 5 Years Post Prison).

In the previous chapter the embarrassment and guilt surrounding the fact that some of the mother’s offences had been reported in the media and the experience of ‘double deviancy’ was discussed. This continued to be problematic:

“that’s a very destructive thing, they only print what they want to print, they don’t print the whole truth, they won’t go into it in detail, just the highlights” (Una, 1 Month Follow Up Post Prison).

As a consequence of their incarceration many of those interviewed reported feeling fearful of returning back to the community, Sykes’s feelings of insecurity continued long-term. Due to her offence coverage Bella received critical comments from strangers on the street when she returned home.

““Oh look at you walking around as if nothing don’t bother you” you know...“Have you got no shame?” Some people are quite nasty...I was really upset by what people said’ (Bella, 1 Month Post Prison).

Interestingly, several of the mothers who had not received negative press about their offence were fearful about people finding out about their incarceration.

“sometimes on the streets I feel like people know I have been to prison” (Danielle, 8 Months Post Prison).

Laura (12 Months Follow Up Post Prison) described how people knew she had been incarcerated:

“I didn’t like that...People were like ‘jail bird’...When I first came out, people would say “oh have you been on holiday?” I knew what they were getting at, it’s only been three weeks, sometimes I don’t see you for a couple of months and you never ask about holidays”.

Dalia also described feeling judged:

“people know me as ‘oh she used to be on drugs’, and they tend to look down their nose at me still...like ‘once a smack head always a smack head’ sort of thing... I wish I could have a new start but I’ve got to think about my son, he’s settled in school now” (Dalia, 11 Months Post Prison).

However one mother did not feel that her community judged her:

“I had a lot of support from the school mums, a lot of them sending me emails saying ‘don’t worry we know it’s not you, it’s not like you...we’re not taking any notice of it.’ So I had a lot of support” (Marie, 5 Months Post Prison).

However, most struggled to list sources of support outside of their close family and many felt isolated. This is either because they were not offered formal support by statutory services, or there was a reluctance to accept it because it was perceived as outsiders interfering in their families’ lives (Rodrigo et al., 2007). Light and Campbell (2007: 305) suggest that ‘families may be reluctant to use ‘official’ services because of the stigma attached to imprisonment and for fear that reports may be made on them and matters may be taken out of their hands.’ The mothers in this research who did access formal support, like social services or probation, had quite negative perceptions of the help offered and generally felt these services made their lives harder. Previously Tara’s negative experience with the social worker was discussed:

“there’s no help because social services have put me through hell and back since I’ve been out...I didn’t know I’d have such a battle with them” (Tara, 7 Months Post Prison).

Likewise, Dalia, who had drug problems, spoke about how social services had intervened and as such she only had custody of her children part time. Another mother, who had on-going problems associated with alcohol misuse, described the ‘support’ that was offered:

“my son is so fed up, he said ‘I’ve got the guardian coming to see me from FDAC, I’ve got the social worker, they come to see me at school, at Dad’s. I told the last person that I’m sick of this, I just want some peace.’ So if he’s feeling it, and I’m feeling it, I’m thinking, what’s this word support? My goodness, it brings you down” (Laura, 12 Months Follow Up Post Prison).

As such, these women may be unwilling to ask for support in the future even though it might help minimise the harm to their children. Overcoming this sense of apprehension is

critically important when considering ways in which these women can be helped in the community.

### *5.2.5 Physical Health*

The previous chapter discussed the different ways in which the mothers interviewed felt their physical health had been affected by prison. For many these problems did not cease once they had served their sentence or remand period. Over a third said custody had negatively impacted their physical health in the longer term. On-going issues with a lack of menstruation, problematic sleep patterns, high blood pressure, hair loss and physical problems as a result of sleeping on friends' floors or sofas were all described by the mothers.

In the last chapter Bryony's problem with her eyes as a result of the florescent light used in prison was discussed. She said she now wore reading glasses, something that she felt would not have been necessary if she had not been incarcerated. Likewise, although the scarring on her throat from the goitre, which she had developed in prison, was not very visible, she said for her it was an unwelcome memento of remand.

“Sometimes I look in the mirror and I can't see it, I'm like 'oooh it's gone', but if I've been talking too much with my friends it'll be swollen and a bit bigger, so a lot of the time I have to take it easy...the goitre is a constant reminder...that's the proof I was in prison” (Bryony, 3 Years Post Prison).

Several of the mothers described other physical cues of prison. Laura said as a result of the stress surrounding her imprisonment, her pre-existing psoriasis<sup>110</sup> flared up. Although this had faded, this was still visible nearly two years post-custody, and on-going stresses in her life caused these scars to be a persistent reminder.

In the previous chapter the lack of support Steph received over her miscarriage in prison was discussed. She never received any counselling for this and she described how her previous good health had been negatively impacted by custody.

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<sup>110</sup> This 'is a skin condition that causes red, flaky, crusty patches of skin covered with silvery scales' (National Health Service, 2013g).

“I just went to do some blood tests, sometimes I feel scared I don’t really understand, because when I miscarried there was no treatment or nothing, I don’t know how it will affect me...I don’t understand my body now...I’ve got headaches, I feel like my body hurts, I feel dizzy” (Steph, 13 Months Follow Up Post Prison).

The uncertainty surrounding her ill-health appeared to cause on-going stress. Likewise, in her prison interview Louise described no issues with her viral load<sup>111</sup>, but in her first post-custody interview she said

“the strange thing was that because I have been taking the same medication for ten years I think, but in there (prison) they gave me my medication, but when I come out I did a test, my viral was right up” (Louise, 1 Month Follow Up Post Prison).

As such her GP suggested she had not taken her medication, which she fervently denied. Consequently she had to change her medication to return to stable levels:

“I think the medication works well when you’re mentally fit...in there I wasn’t mentally stable, I was depressed, they put me on more antidepressants, so I guess because of where I was that’s why the medication wasn’t working any more” (Louise, 10 Months Follow Up Post Prison).

She was one of the mothers who described anxieties about the quality of health care she received in prison. This highlights how interlinked physical and mental health is and the importance of on-going medication being reviewed regularly.

#### *5.2.6 Addictions*

In the previous chapter two mothers who used alcohol to help with their arrest were discussed. However their responses differed once they were released. Despite Tanya saying that she underwent successful detoxification in prison, alcohol misuse remained an on-going issue in her life.

“When I came out I didn’t want to drink but, I started to drink and I went to the doctor and they put me on Campral<sup>112</sup>, and that was fine, and that

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<sup>111</sup> The viral load indicates how much HIV is in the blood.

<sup>112</sup> ‘Acamprosate (brand name Campral) is used to help prevent a relapse in people who have successfully achieved abstinence from alcohol. It is usually used in combination with counselling. It works by affecting levels of a chemical in the brain called gamma-aminobutyric acid (GABA). GABA is thought to be partially responsible for inducing a craving for alcohol’ (National Health Service, 2013a).

worked for me...then when things started to get on top of me after a few months I started drinking again...when things get really bad 'Mr bottle of vodka' still becomes my best friend" (Tanya, 5 Years Post Prison).

Although Tanya admitted relapsing post-custody, as a consequence of the support she received in prison she felt comfortable asking for help, rather than ignoring it. However she still had alcohol cravings especially during periods of stress. In comparison, once Una was released she no longer felt she needed alcohol, as the worry of prison was behind her.

"I've been through the worst, there's nothing that I've got to take myself away from and feel relaxed" (Una, 1 Month Follow Up Post Prison).

Only after prison was she able to recognise that she had problems with alcohol as a result of her arrest. This suggests that other women interviewed in prison may not report addictions whilst they are incarcerated through shame or not being able to reflect on an unhealthy reliance.

In the previous chapter Louise's confidence in her continued abstinence when she was released was discussed.

"I was thinking I was going to be free of alcohol to be honest, I wasn't really thinking about alcohol at all" (Louise, 1 Month Follow Up Post Prison).

However, it seemed as though the anger related to her incarceration presented itself through continued alcohol misuse post-custody.

"I'm not drinking that much because I don't have enough money...but it's definitely added another reason to drink, because in life you try to do your best and no matter you do you seem to be wrong, and now I've been to prison I've got a criminal record" (Louise, 1 Month Follow Up Post Prison).

Louise, a recovering alcoholic, used alcohol to deal with stressful times in her life, although able to live without it, as demonstrated by her previous abstinence, prison created another source of stress. Laura was another mother who previously struggled with alcohol:

"if I was angry about anything I'd just go straight for the bottle...When I came out the first thing I wanted to do was have a drink, give me that bottle quick!" (Laura, 1 Month Post Prison).

Despite not engaging with the drug workers in prison, as a consequence of the effort that Laura had done post-custody with voluntary organisations, it appeared that she had made a breakthrough:

“my offending has been though drink...drink was my crutch, but now that I’ve been like this and going to different classes and reading different books, I realise that if I drink because of my abuse I’m abusing myself, and I’m still allowing them (former partners) to abuse me” (Laura, 12 Months Follow Up Post Prison).

It had taken Laura a lot of work to get to this point. However, in her 20-month post-release interview alcohol continued to be problematic and she admitted that there had been a significant relapse five months prior to the interview. Consequently she and her children temporarily moved in with her father and stepmother so she could receive the support she required. At the time of the interview she had been abstinent since the relapse and was again living independently.

Despite the lack of support that Natasha received whilst on remand, as a result of her period of detoxification in prison she did not return to drugs. Through this she was able to attain and keep council accommodation soon after she was released. For Natasha her abstinence from butane gas in prison allowed her to re-evaluate her addiction. In contrast Dalia was put on a methadone prescription in prison and received very little psychological support for her addiction. It is suggested that this maintenance and lack of support may go some way to explain why Dalia relapsed so quickly:

“I came out and on the first day I used, I can’t explain the reason, I wanted to come out and I wanted to get wrecked...Obviously I went and seen my kids first, then I went straight to the pub, got wrecked and ended up using heroin that night” (Dalia, 11 Months Post Prison).

However she did manage to address her addiction through the support of a community drugs worker who also helped her reduce from the 60mls of methadone she was on in prison to 5mls:

“I can tell you I’d never touch that drug again because it destroyed my life, not just mine, but my kids as well” (Dalia, 11 Months Post Prison).



She was able to change her attitudes towards her drug use, offending and custody of her children. She said that her relationship with her drugs worker had been so successful because she was an ex user, so could relate to her problems. Although she had made significant positive steps she described how hard it would be coming off methadone entirely:

“the day that I come off the kids are going to my mums because I know that I’m not going to have no sleep for a few days...they’re going to be the few days that are really going to test me” (Dalia, 11 Months Post Prison).

Rather than support in or out of prison, one mother felt she had resolved her gambling addiction because of her change of attitude that was triggered by being removed from her children.

“If you’ve got that determination not to do it you’re not going to do it...everything is about willpower in this life and you know I’ve come out of prison and I could have gone back into the same ways as I was before, but my choices were to not do that” (Marie, 5 Months Post Prison).

These women reported a series of on-going harms as a result of their short periods in prison. These harms are not unimportant harms, it is suggested that they are morally significant and bring into question the proportionality of the punishment they received compared to the original offence committed.

### **5.3 Positive Outcomes From Prison**

Despite the very negative accounts that the women gave, most were able to identify contrastingly beneficial aspects of their incarceration, several saw opportunities to improve their lives. This was expressed by Bryony (3 Years Post Prison):

“If you want the place to have a good impact on you it will, if you want the place to have a negative impact it will.”

Clark (1995: 324) argues that ‘although prison is hardly a preferable environment in which to do so, the people, vocational and educational opportunities, meaningful work, and counselling available...can empower and encourage her in that long, hard struggle.’

Although the current and the previous chapter have outlined the ways in which the women

interviewed felt their lives had been negatively affected by prison, 14 out of 16 mothers thought of positive consequences arising out of their imprisonment. The majority felt that at least one aspect of their life had benefitted from prison and admitted that not every experience in custody was bad.

As argued previously, despite the literature suggesting that prisoners serving short terms may not be able to attend education, many of the mothers in this sample (14) went to education, which was often a very favourable experience for them. Similarly, the majority said they had acquired new skills in prison, ranging from gaining a sense of independence to learning to knit. Several of the mothers said that a positive outcome from prison was that they had met new people and made friends; some had learnt to deal with addictions, some had stopped offending as a direct consequence of their imprisonment, several had been housed and some had cleared debts. It is argued that the ways in which their lives had been improved as a result of their experience are key to the exploration of the long-term impact of first short periods in prison, recognising that not all custodial experiences are negative. What requires questioning in future research is whether these positive lessons could have been learnt in the community without the requirement of prison?

There were two mothers, however, who were unable to think of a single way in which their lives had benefited from their incarceration. They did not differ significantly from others in this study in relation to the nature of harms they experienced in prison but arguably, a specific aspect of their incarceration prevented them from seeing any positive outcomes. Although they both felt a strong sense of injustice regarding their incarceration so did many in the sample. Likewise, both felt they had not been given a chance to receive an alternative sentence in the community, however again they were not unique in this. Both were sentenced rather than remanded and like most of the other women interviewed they had dependant children at the time of their incarceration. Laura had pre-existing mental and physical health problems and alcohol issues, whereas prior to prison Steph was mentally and physically healthy and did not misuse substances. It is suggested that it may have been the way in which Laura was arrested and the short sentence length (she was one of three mothers who served less than four weeks in prison) that prevented her from gaining anything from prison. Similarly, the lack of emotional or physical support that

Steph received when she miscarried in prison is suggested as the reason why she could only list negatives regarding her incarceration.

However most of the women did list benefits, and the opportunity to attend education was mentioned by several. As a result of her failed asylum status Debbie was not entitled to public funds, however when she was interviewed in prison she said

“here I can achieve something with my life. I’m happy here, I can go to education, I can make plans...I know it sounds strange, but in a way I want to stay in prison and get on with my education” (Debbie, Less than 1 Month in Prison).

These positive feelings in relation to education were still present when she was interviewed in the community and she described it as very relaxing. For her, education was a massive opportunity, she said on the outside her life was on hold as she had been unable to continue her studies upon release. Another mother who was happy about prison education was Louise:

“I’ve never done maths since I left school, it was quite nice to do it. It was really good because I was thinking I was rubbish at maths” (Louise, 1 Month Follow Up Post Prison).

For both Debbie and Louise going to education was about learning and having something to do, not specifically about gaining qualifications. In contrast, Donna was pleased with the certificates she obtained in prison and this continued post-release as she felt that they had been instrumental in her gaining employment. Early on post-custody she had been unable to afford further training, however her employers did pay for her to attend day courses. She spoke very proudly of how well she had done when assessed and it seemed as though this was the first time in a long time that she respected herself, she was doing something her son could look up to. Another mother who spoke positively about the opportunity to access education in prison was Dalia, she talked about an employability course she attended in prison.

“I’d never really had a CV before, so I’d printed it all off, learned interview techniques and all this, and stuff that I’d never really done before, so that helped me a lot and I got a certificate now” (Dalia, 11 Months Post Prison).

Although she had not found work she felt the course had improved her job prospects. Likewise, as a consequence of attending a domestic violence group in prison Bella learnt that there were issues with her relationship. She said prior to attending the course she had not classed how she was treated as domestic violence:

“It was going to prison that made me realise the marriage was wrong. So I thought if I’m strong enough to go to prison for 74 days I’m strong enough to get out of a 27-year marriage, I was hard, and I do miss him now...but it’s changed my whole outlook on life, it got me out of a marriage which would have most likely put me in a coffin” (Bella, 14 Months Follow Up Post Prison).

Several of the mothers had said that they had previously experienced trauma, however Bella was the only mother who changed her approach to the abuse, claiming that she no longer allowed herself to be a victim. She also said that going to prison had improved her relationship with her daughter, there was more honesty and fewer arguments. She and Donna felt that a major benefit of prison had been that some of their pre-existing debts had been cleared as a result of their incarceration. For them this had been a relief as their finances had previously caused concerns, however, both also said that prison had created money problems.

Several of the mothers also said that prison had taught them life-lessons, in that it had changed who they were as people, and how they approached their life and other people. Despite conveying an overall sense of frustration at her inability to find work, Ursula said that she had a lot more ambition as a result of custody. The lack of autonomy, not being able to do what she wanted, whilst she was in prison made her more determined to pursue her ambitions when she was released. Another said it made her appreciate what she had:

“I think you take stock of your life, and the more meaningful value of life, let’s put it that way, you take more of the positives than the negatives, because you have time to think” (Una, 1 Month Follow Up Post Prison).

Several of the mothers felt they had grown as people. Tanya said that prison had given her independence; previously she had always needed to be with people, but the prison psychotherapy helped her look at different aspects of her life and address her destructive behaviour. Likewise, in the previous chapter it was argued that Danielle adopted a survival strategy in prison, she claimed that before prison she had been too naïve and trusting, and

that prison had matured her. Consequently she said she was a lot less trusting of people and that this new awareness removed the risk of reoffending and any possibility of re-incarceration. However, this new aspect of her personality did not make her happier, she was now emotionally hardened, more closed off and withdrawn in fear of being hurt again. In comparison, another mother said prison had changed her into a better person:

“I learnt to be very patient, I never used to be extremely patient, but now I’m very very tolerant, I can be with someone I don’t like” (Bryony, 3 Years Post Prison).

She also said she had acquired specific craft skills:

“I had the time on my hands so I did tailoring, knitting, crocheting, so when I was in there I did quite a lot of hats, mufflers for my baby, she still has all of them, I kept them in case I had another child” (Bryony, 3 Years Post Prison).

Knitting was something that several of the other mothers said they had learnt outside of the normal prison education process.

“I learnt how to crochet as a child, but I didn’t know how to knit. When I came out in December I did a scarf for my niece” (Danielle, 8 Months Post Prison).

Another mother, Donna, was wearing some knitted items when she was first interviewed and she proudly showed them off whilst listing the other items she had made for herself and her son. The act of knitting was a good way to occupy the women when they were locked up in their cells. As well as passing the time one mother described how knitting had improved her mental health:

“it makes you proud of yourself because I’d knit some stuff and I’d take it off (the needles) and do it again just to practice, it was very good” (Louise, 1 Month Follow Up Post Prison).

Other mothers said they obtained skills from work placements. Marie said she had learned to cook in the prison kitchen, which was a skill she took back with her into the community and hoped to use in future employment. She also felt there were other worthwhile positive outcomes from prison. She said that her children could learn from her mistakes. She also said that in some ways prison had been a relief:

“If I hadn’t been caught and arrested and I’d just left the job and thought I’ll never get caught I’d have always had it hanging over my head. It’s done and dusted now, it’s gone away, I’ve learnt from it” (Marie, 5 Months Post Prison).

Prison allowed her to serve her punishment and move on in the knowledge that the consequences had been paid. Nine months post-custody, however, she was still anxious that she would bump into her former employers. In comparison, for Tara her life had been completely transformed by her experiences in prison, she repeated on several occasions that she had previously lived in the shadow of her family, partners and religion. Her sentence provided an opportunity to discover her identity and her strengths:

“I believe that prison has been such a rewarding thing for me in my life, because I’ve lived such a sheltered life in my past, I never knew anything and as soon I went into something that was not dominating for me I embraced everything and I came out as a better person, in a better situation” (Tara, 13 Months Follow Up Post Prison).

In the previous chapter, Sykes’ pain of loss of heterosexual relations was discussed, it was suggested that this pain was not so significant for this group of mothers, but that many of them formed close relations to help with other pains of imprisonment. Four of the mothers said another advantage from prison was that they had made friendships that continued after they were released.

“I met some very nice friends; I’m still in contact with one of them. All this time we were together, we shared things” (Ursula, 5 Months Follow Up Post Prison).

“You do meet some good people, if it wasn’t for one of them I wouldn’t have learnt how to knit, I’m still in contact with her...and there’s another girl that left the same day as me who went back to Russia, we’re still emailing, there are some strong bonds” (Donna, 1 Month Post Prison).

The majority of the mothers with addictions said that although they may not have accessed a high level of support in prison, custody had given them an opportunity to address their dependencies, and prompted a reanalysis of their addictions. As a result of her period of detoxification Natasha decided to stop taking solvents when she was released, she felt this allowed her to gain and retain housing, which for her was a massive benefit of her

incarceration. Another mother, Marie, also changed her approach to her addiction since prison and addressed her gambling and debts. Likewise, Dalia had also taken the opportunity to abstain while in prison, which for her was constructive. It is suggested that this directly links with her choice to stop her previous cycle of offending to obtain money to fund her habit:

“I feel like it was a big learning curve to be honest, and I don’t know that if I hadn’t have gone to prison that god knows where I would be now. They say I’m a totally different person nowadays...I used to care about my kids obviously but when I didn’t have the kids with me all I was thinking about was myself” (Dalia, 11 Months Post Prison).

It is suggested that going to prison stopped several of the mothers from continuing the illegal activities that resulted in their incarceration, however only one other mother specifically said that her sentence had worked as a deterrent or provided any rehabilitation. Interestingly, both Dalia and Donna were sentenced for offences related to theft and both admitted to repeat offending behaviour. In her second interview Donna appeared to reflect more positively on her sentence compared to her deep feelings of unfairness that she portrayed in her initial interview. It is unknown whether this was actually due to her feeling differently or whether she felt more comfortable opening up in the second interview. However it raises the issue again of the importance of multiple interviews over a longer period of time to allow for a deeper exploration of the different aspects of these mothers’ lives. In one of her follow-up interviews Donna spoke about the lack of deterrence that previous community sentences had posed, she described how her community sentence was enjoyable and too easy, she talked about wanting a punishment that would actually make her think about the impact of offending.

“Prison made me wake up, it gave me the kick up the backside I needed...if they had given me another slap on the wrist I would have continued. It gave me a new perspective on life” (Donna, 6 Months Follow Up Post Prison).

## **5.4 Conclusion**

What has been shown through the interviews with these women is how short periods of incarceration affected them for far longer than their stay in prison. Although some benefits emerged from being in custody, they do not balance the problems that the experience of prison created or enhanced. For the vast majority of the mothers it was a predominantly

negative experience with significant on-going harms. As a result of their period in custody many lost their accommodation, which affected the stability they could offer their children. Some lost personal possessions, several lost their jobs, and many struggled to find employment because of their prison conviction. Financial problems and mental health issues were often created, or worsened by their period of incarceration and for some, their physical health deteriorated. Although a few developed issues with alcohol as a result of their arrest, most drug or alcohol dependencies predated this time. For those that left prison without these issues, for most this was not because of the support received while in prison. In fact, for most issues there appeared to be a lack of support provided during and post-custody. These quite vulnerable women were often left to cope with new or pre-existing problems that would be better addressed in the community without the requirement of prison. Currently the intensification of these issues by incarcerating these women reinforces their marginalised status in society.

However it is important to remember that there were reasons why these women found themselves in a position where prison was deemed appropriate by the courts. What is questioned is whether the additional harms during and post-custody are appropriate to their original offence. In fact the intensification of disadvantages may negatively affect the women's human rights to a minimum standard of living. Article 25(1) of The Universal Declaration of Human Rights (United Nations, 1948) states that 'everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social service.' It is suggested that the long-term implications of the issues discussed in this and the previous chapter support the argument that harms caused by the punishment are not proportionate to the initial offence. Although these post-custodial problems are deemed to be unintended consequences of an appropriate sentence, their prevalence raises the question as to whether they are actually expected outcomes and should therefore be considered at the time of sentencing. Although benefits from custody have been identified by many interviewed in this research, for instance a few of the mothers said their custodial experiences deterred them from future offending, which suggests self-reflection and a change in behaviour, it is suggested that these positive lessons could have been learnt in the community without the requirement of prison.



## **Chapter Six: Mothering from a Distance**

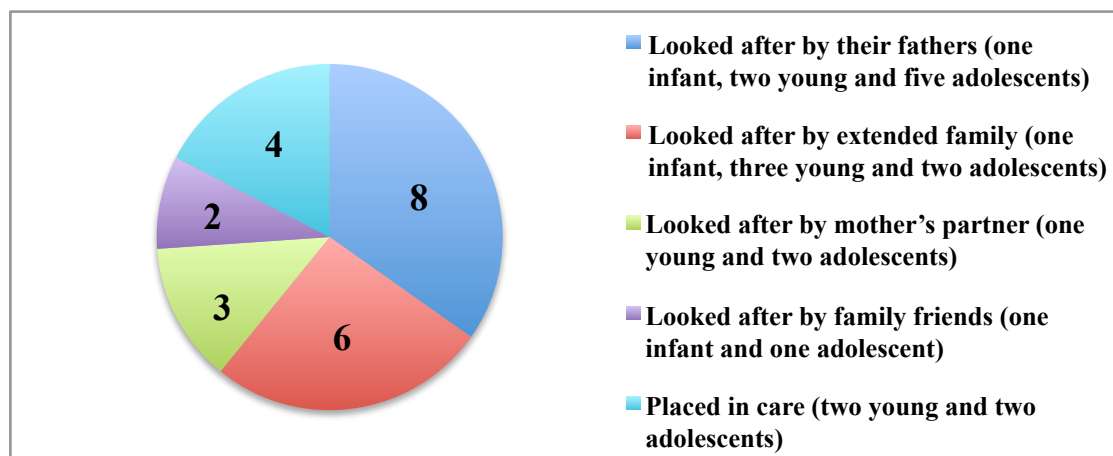
### **6.1 Introduction**

The previous two chapters have explored the long-term harm that short terms of imprisonment can have on women. However, all of those interviewed in this research were mothers and as such were not the only ones affected. ‘The invisibility of women in the criminal justice system often extends or rebounds on to their children. The situation of these children is exacerbated by the fact that there are few, if any, sources of data about offenders’ children’ (Covington, 2002: 132). As such, children of prisoners have been called the “forgotten victims” of crime’ (Murray and Farrington, 2008a: 133). This chapter will examine the mother’s perception of the effects their imprisonment had on their children. It should be noted though that mothers may not realise the extent of the harm until they are released, and may struggle to acknowledge responsibility for their own role in contributing to these harms. Through post-custody interviews with each woman this research is able to identify a clearer picture of the impact that incarceration has had on children over time and explore how the mother’s perception of this harm evolves.

By incarcerating these women, 23 dependant children lost the care of often their lone caregiver (see Appendix 7). As such the caregiving arrangements for these children were highly disrupted, as many required new caregivers, often needing to move home while their mother was in custody. The effects of separation on the children manifested themselves in a variety of internalising and externalising adaption that have the potential to cause long-term harm (see Appendix 6). It will be argued that these emotions are likely to be intensified or minimised by a series of different factors during and post-custody. However these women had already exposed their children to some disadvantages prior to their imprisonment, which may have negatively affected them. This will therefore be considered before concluding that many of the children’s responses are unnecessary consequences of their mother’s custody.

## 6.2 Level of Disruption

The 16 mothers interviewed in this research had a total of 26 children under the age of 18. Prior to their mother's arrest, almost all (23) of these children<sup>113</sup> had lived continuously with their mother since birth, and for 19 their mothers were lone parents and their primary caregivers (see Appendix 7)<sup>114</sup>. As such, four children continued to live at home with their other pre-existing caregiver, none of whom was their biological father. Of the 19 children who required new caregivers only a minority (4) stayed in their own homes, the others (15) moved to live with new carers (see Appendix 8). Consequently, for many their mother's incarceration resulted in both a separation from their primary caregiver and a change in accommodation. However, most children found homes with family members and in contrast to the existing literature (Corston, 2007), a significant minority (8 of the 19) were looked after by their biological fathers.



**Figure 5: Living arrangements of 23 dependent children during their mothers' imprisonment**

As a consequence of their change in living arrangements only one young child and one adolescent moved school, the remaining children were housed in locations that allowed for a continuation of their studies in a familiar environment. For most children separation from their mother was an experience they shared with siblings, as only 6 of the 23 were an only child. However, fewer than half of the siblings (8 of the 17) were able to stay

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<sup>113</sup> Three were infants (0-2years of age), eight were young children (3-11years of age), and 12 were adolescents (12-17years of age).

<sup>114</sup> Three children were not in their mother's custody. One adolescent was with her maternal grandmother because her mother was only 14 when she became pregnant, one young child had been in care for several years prior to their mother's imprisonment and one infant had only been in care for three weeks.

together as a unit. Those with the same biological father stayed together even if not cared for by him, whereas the 9 siblings with different fathers were separated. For these children their mother's imprisonment meant that they lost not only their mother's care but also the companionship of a sibling.

The majority of mothers chose who would look after their children. Only three were dissatisfied about the arrangements because they had been made without their consent (two sons were looked after by their biological fathers and one was placed in care). The literature indicates that stable caregiving arrangements during the mother's absence will help protect children from negative responses to the separation (Bloom and Steinhart, 1993; Poehlmann, 2005a), whereas multiple changes exacerbates children's feelings of insecurity (Committee on Early Childhood Adoption and Dependent Care, 2000). In this research all but five of the children stayed with the same caregiver throughout the mother's imprisonment<sup>115</sup>. Only 3 of the 23 dependant children were pre-warned by their mothers about the potential separation, most (15) were only informed after their mother had been imprisoned. The remaining five children were not told that their mother was in custody because they were either infants or very young children (see Appendix 9).

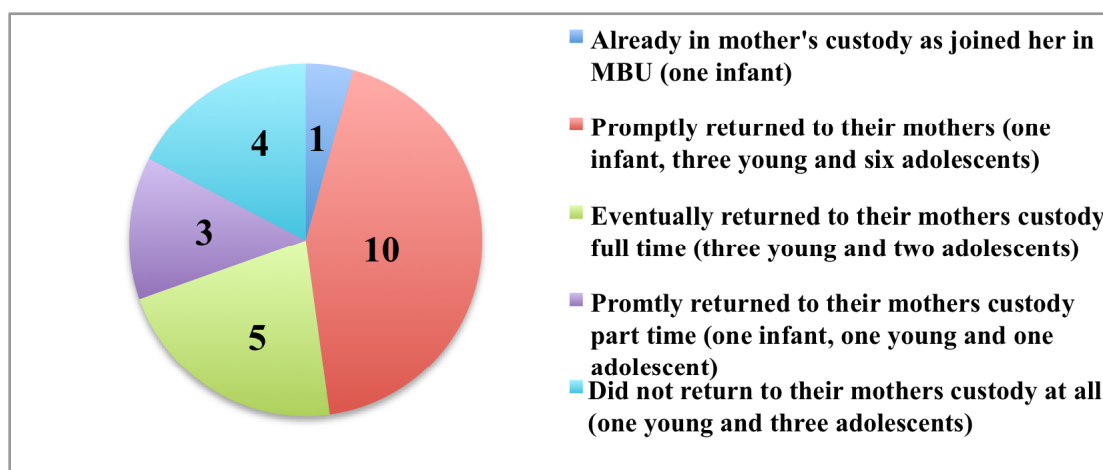
Most of the dependant children (21) had some form of interaction with their mothers while she was away (see Appendix 10). Existing tensions with current carers were cited as the reasons for no communication between two mothers and their children<sup>116</sup>. Those who had contact with their mothers during their period of separation mostly did so by telephone, with some writing letters. In contrast to the existing literature most of the children (16) visited prison on at least one occasion and 12 had multiple visits. However, four children had their visits stopped by their mothers after the first occasion, either because the visit proved to be too emotionally upsetting or because of the distance and cost of travel.

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115 One infant lived with her biological father for five weeks before joining her mother on a MBU, one young child went into care before moving in with his father, an adolescent went into care before living with his father for two days before he was then looked after by his grandmother, and two sisters, one young child and one adolescent, were looked after by three different foster carers.

116 All three mothers without custody of their children maintained the same level of contact with their children as prior to their incarceration, with two out of three having no contact.

The majority of children (19 of the 23) returned to their mother's custody following her release. For most the length of separation reflected the length of her incarceration and was therefore for six months or less (see Appendix 11). However, there were instances of delays or changes in caregiving arrangements for some of the children. For a few the delays in returning to their mother's care was due to her inability to obtain stable housing.



**Figure 6: Living arrangements of 23 dependent children after their mothers' release from prison**

Of the four permanently separated from their mothers, a pair of siblings continued living apart with their different fathers, one adolescent continued living with his grandmother after initially going into care, and another adolescent moved from her aunt's care to a property with her boyfriend. The fact that so many returned to their mothers' custody is an important indication that mostly the women's parental abilities were deemed satisfactory, or that local authorities were unaware of the temporary care arrangements and families were left without intervention.

### Children in Care

Only two women in this research had children taken into the care system as a direct result of their imprisonment, which contrasts with the literature, but the consequences for one of them were significant and reflect concerns in the literature. Tara's two daughters and one son (aged 6, 12 and 11) and Donna's son (aged 14 with learning difficulties) had very different experiences. Their mothers also expressed very different feelings about these arrangements, possibly reflecting their own childhood experiences: Donna had

spent time away from her mother in a children's home, whereas Tara had always lived with both her parents before she had an arranged marriage at 16.

“My childhood was taken away from me by my parents...I'd just done my GCSEs and I was sent to Bangladesh, to get married, I didn't know I was getting married” (Tara, 7 Months Post Prison).

Tara requested that her children, who each had different fathers, went into care:

“they didn't want to go to my parents because the kids said that this is what happens round Nanny's house, she gets a bamboo stick out, so I thought by placing them in local authority care, they would be safe and well looked after” (Tara, 7 Months Post Prison).

Despite this, her eldest daughter went to live with her father, and her remaining three children went into care. In sharp contrast Donna petitioned probation for her son not to be taken into care, but to be looked after by family.

“I said can you make sure he either goes to his father or his grandmother? I had to sign the forms to say I gave permission for this because I didn't want him in care, I didn't want him going from foster home to foster home, I wanted him to be stable” (Donna, 1 Month Post Prison).

The basis for this fear was Donna's own experiences of placement disruptions in care. Each move increases the risk of needing to move school and a removal of support from friends and family (Burghart, 2012: 6), which can ‘further deplete a young person's social resources...and thus increases the likelihood of delinquency’ (Barn and Tan, 2012). According to the Department of Education (Department for Education, 2013; 2012a) one third of all looked after children in 2013 had two or more placements during the year<sup>117</sup>.

Both Tara and Donna's sons only stayed in care for a short period of time before going to live with other family members. Despite Donna's concerns her son only had one placement in care for six weeks, subsequently moving to live with his father for a few days before being looked after by his paternal grandmother. It is suggested that the short

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<sup>117</sup> When measured on the 31st March 2013.

time spent in care as a result of the availability of a family placement reduced the need for multiple moves, however his father's unwillingness to take responsibility for his son resulted in the changes.

Both Donna and Tara's sons visited their mothers only once in prison, and post-custody both continued with their existing living arrangements and had irregular contact with their mothers. The issue with contact between Tara and her son will be discussed later.

In comparison, Tara's two daughters stayed with multiple foster carers<sup>118</sup> until she obtained full residency 16 months post-custody. However, as has been discussed in the previous chapter, due to her inability to obtain a two bedroom flat she was unable to house them full-time for another three months when she was given suitable accommodation. Both daughters visited their mother frequently in prison and had regular contact once she was released.

### **6.3 Effects of Separation**

The existing literature on children with incarcerated parents describes the variety of ways in which their mother's departure affects them. Yet there is often little distinction drawn regarding the length of imprisonment and its consequences. The present research attempts to address this by focusing specifically on short terms of incarceration and challenges any prevailing assumptions that this will cause only minimal harm to a child. Children affected by any length of separation must deal with the emotions involved during the initial change in caregiving. However compared to those mothers who are serving long sentences, those who are separated for short periods must deal with the emotions of being separated and subsequently returned to their mother in a short and unsettling time period.

The level of harm depends on a number of factors that account for the variety of initial and on-going responses conveyed by both the mothers and the existing literature (Kimbrough-Melton et al., 2011; Lawlor et al., 2008; Sharp, 2008; Travis et al., 2005; Wear Simmons,

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<sup>118</sup> They initially stayed with a temporary foster carer, then lived with another family for three months, and were then looked after by a third family for the rest of her sentence until they were reunited 19 months post-custody.

2000)<sup>119</sup>. Mackintosh (2006: 582) estimated that as a result of a mother's sentence 'up to 70% of these children develop some type of emotional or psychological problems, primarily in the form of aggressive or withdrawn behavior and academic problems in school'.

When exploring the impact of maternal imprisonment on children, it is important to consider a child's age, as this will affect both how they react to the separation and how harm can be minimised. Infants (0-2 years of age), young children (3-11 years of age) and adolescents (12-17 years of age) face their own unique problems and concerns, however there are some shared emotions, and common protective factors. There is a significant amount of literature on the disruption of an infant or young child's attachment to their mother when they are separated. Arguably the majority of the literature on female prisoners' children focuses on this age group, often ignoring older children (Cecil et al., 2008; Parke and Clarke-Stewart, 2001). Attachment theorists argue that being separated from a mother at a young age may cause long-term emotional damage to a child because of a lack of trust and incapacity to adjust to new caregivers and an inability to form stable relationships (Bowlby, 1969).

The existing literature indicates that younger children will be most affected by the departure of a mother, because unlike older children they do not see themselves as separate from their mother (Johnston, 1995b; Poehlmann, 2005c). Likewise, according to the General Theory of Crime, interruptions to a child's caregiving before the age of eight can have detrimental consequences for their ability to exercise self-control as this is still to be learnt (Gottfredson and Hirschi, 1990). By separating a mother and a young child the opportunity for a strong bond to form may be prevented (Myers et al., 1999: 17), or an existing attachment may be adversely compromised, as observed in children whose parents divorce (Parke and Clarke-Stewart, 2001)<sup>120</sup>. In Poehlmann's (2005c: 689) American research, 63% of young children<sup>121</sup> of incarcerated mothers 'held representations of insecure-negative relationships with mothers'. Even if a mother is

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119 Dallaire (2007) also discusses the possibility of bedwetting particularly with younger children. This was not reported by any of the mothers interviewed in this research.

120 However the present study suggests that the children's feelings of rejection, and the stigma that is associated with maternal incarceration, makes this form of separation particularly damaging compared to that of divorce.

121 These children were aged between two and a half and seven and a half years old.

incarcerated for a short time there may be limited attachment felt by either her or her child. This can have significant implications for the emotional and behavioural well-being of the child (Myers et al., 1999). One mother, described her fear of her child losing attachment to her when she spoke about her infant's first prison visit:

“she didn't recognise me, I was so upset” (Steph, 7 Months Post Prison).

Other research has argued that where there has been sufficient time to develop attachments these bonds are not broken by even long periods of separation (Cecil et al., 2008). Martin (1997) maintains that imprisoned mothers may be able to retain or form an emotional bond if contact is supported by others, typically kinship carers (Mackintosh et al., 2006). The process of sustaining contact and the difficulties associated with it will be discussed in detail later, however it is suggested that if it is not maintained the consequent lack of attachment ‘may decrease children's confidence, increase anxiety, and inhibit cognitive processes that enable them to control their own behavior’ (Petsch and Rochlen, 2009: 8). One mother described how the separation had affected the bond post-custody:

“the relationship's still there, but my youngest sometimes turns around and sometimes calls me Mindy<sup>122</sup> instead of Mummy. There's loads of things that they've forgotten like what they used to do with me, fun stuff. I goes ‘don't you remember you used to do that?’ ‘Oh, did we?’...It's like they're losing their memories” (Tara, 7 Months Post Prison).

One major criticism of attachment theory is that it is ‘confined to the infancy and early childhood period, ending, as noted by Bowlby, during puberty’ (Field, 1996: 545). Field (1996: 545) further suggests that ‘multiple attachments may occur simultaneously throughout adulthood; for example, to a spouse and friend, as well as to one's children’. Attachment theory has been extended to adults in the psychoanalytic literature (Levy et al., 2012), and therefore it could be specifically applied to older children of incarcerated women and therefore used to identify and implement protective factors for these children. It is argued that adolescents may also be affected as a parent-child relationship influences a child's identity (Travis et al., 2005). ‘By virtue of their developmental stage, it is these forgotten adolescents who have the potential to have the greatest impact on society at large’ (Eddy and Reid, 2001: 2). Prior to their mother's detention adolescents are already

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<sup>122</sup> This was the name of the children's third foster carer.



dealing with many changes associated with moving school and friendship groups. Separation at this point may interrupt key developmental tasks, affecting how they see themselves and approach different situations. In fact it has been argued that ‘maternal incarceration is most detrimental to children in adolescence since they are developing orientations and motivations for achievement while actively internalizing their parent’s values and behaviors through observational learning’ (Cho, 2010: 9). Lee (2003) also suggests that although adolescents are less dependent on their mothers than younger children, when this independence becomes challenging, their parents are there to aid them. Custody during this time reduces an adolescent’s ability to speak directly to their mothers and thereby compromises this important aspect of the parental role. For example, Una described her anxiety about being separated from her adolescent children when she thought they needed her support, during ‘milestones in their development’ (Medlicott, 2007: 254). It was

“during some crucial times in their lives, my eldest daughter was doing her GCSEs and my youngest was going through puberty” (Una, 1 Month Follow Up Post Prison).

As with younger children, there is increasing appreciation of ‘how secure attachments to parents during...adolescence promote healthy relationships, which themselves reduce risk of delinquency’ (Cecil et al., 2008: 517).

Likewise, with the departure of their mother from the household an adolescent may have to take on further responsibilities such as a parental role towards younger siblings (Cunningham and Baker, 2004). Tara described how she relied upon her 12-year-old daughter to look after her 6-year-old sister when she had head lice while in foster care:

“I said ‘after school go to the pharmacy and write down this name, it’s called Hedrin, and then when you come home bring your sister next to you, put some gloves on, do you remember how mummy used do her hair, can you do it?’ I was giving instructions to my daughter on the phone, because the stupid foster carer wouldn’t even do it” (Tara, 7 Months Post Prison).

Another mother when reflecting on the impact of her imprisonment on her children aged 11, 13, and 15 years old said:

“my daughter being the oldest it was tough on her because all of a sudden she was thrown into being a mother to the other two, but having nobody else to talk to herself, which has made her grow up too quickly and she’s made some choices in her life which weren’t good ones, because she had to take on this new role where I wasn’t there” (Tanya, 5 Years Post Prison).

As such, this enforced maturity was held to have shaped bad choices. For example, after Tanya’s release her daughter moved in with her boyfriend, subsequently became a teenage mother and failed to re-sit her examinations in order to go to college. Tanya felt that, in comparison, her younger daughter had been more protected by her siblings.

“A lot more of it was hidden from her...because her older brother and sister would hide things from her so she didn’t know the true extent of what was happening and what wasn’t happening. So she was protected, which wasn’t fair on them because they had to do that” (Tanya, 5 Years Post Prison).

The elder children’s exposure to the truth allowed them to protect their younger sister, however the truth consequently had a negative effect on both the older children: specifically what Tanya perceived as the bad choices made by her daughter and her son’s hostility towards the police.

The literature suggests that separation from their mothers can ‘weaken children’s ability to cope’ (Petsch and Rochlen, 2009). In response to their mother’s incarceration, the children displayed both internalising feelings of sorrow<sup>123</sup> and outward expressions of anger and frustration, often exhibiting multiple emotions ‘reflecting the complexity’ of the situation (Poehlmann, 2005c: 688). It was found that sadness and grief as well as anger and frustration were played out in school where the children spend a considerable part of their day under the observation of adults<sup>124</sup>. However, several of the mothers were unaware of the extent of the problems until after their release. By interviewing mothers multiple times this research exposes the lack of knowledge that some may have about their children’s welfare whilst in custody.

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<sup>123</sup> Confusion and shame, fear and anxiety and sadness and grief.

<sup>124</sup> As such, problems in school will be discussed twice.

### 6.3.1 *'Internalised' Adaption*

Travis et al., (1981: 87) argue that when a child knows their mother is imprisoned it 'presents the child with the dual dilemma of coming to grips with anxieties associated with the loss of their...mother as well as dealing with the stigma associated with the imprisonment.' This confusion was described by Danielle who chose not to tell her seven-year-old son about her sentence, but that she was helping Father Christmas. However during a visit he asked about "HMP X<sup>125</sup>" and this forced a disclosure of the truth.

"He wanted to know what happened, he said 'tell me, I know this is prison', I just couldn't believe it. He said to me 'I know this is prison and it's for bad people, and I know you are not a baddy, you are a goody'" (Danielle, 8 Months Post Prison).

Prior to this explanation he had to deal with feelings of anxiety and betrayal, finding out this way may explain his subsequent anger that will be explored later. When children learn that their mother is a prisoner they may feel embarrassed, ashamed and even personally stigmatised by her criminality (Cunningham and Baker, 2004). In his work on stigma, Goffman (1963: 4) argued that there are 'blemishes of individual character' allocated through prison, and that 'stigma...can be transmitted through lineages and equally contaminate all members of a family'. This 'may take the form of what Duff (2001) calls "normative exclusion": treatment as though individuals do not share a community's values' (Murray, 2007: 58). They are sentenced by association. It is suggested that the stigma of a mother's imprisonment can profoundly affect children, which may harm not only their immediate but also their longer-term life chances (Major and O'Brien, 2005)<sup>126</sup>.

The children in this research may have been particularly vulnerable to feelings of shame as most came from non-offending families and communities, and it was the mother's first imprisonment. Similarly, as older children are more likely to be more aware of and sensitive to society's disapproval of the reasons for their mother's absence, they are more prone to suffer the effects of shame and stigma. One mother described the different reactions of her two daughters, aged 6 and 12 years old.

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<sup>125</sup> The name of the prison has been removed to help maintain the confidentiality of Danielle.

<sup>126</sup> For example 'stigma has been linked to poor mental health, physical illness, academic underachievement, infant mortality, low social status, poverty, and reduced access to housing, education, and jobs' (Major and O'Brien, 2005: 394).

“[The youngest] is the one who comes out with it quite often ‘oh mum, when you was in prison, we used to do this, and we used to have family days’, whereas my older daughter would be embarrassed to talk about it” (Tara, 13 Months Follow Up Post Prison).

Arditti and Few (2006: 105) suggest that this stigma may create problems for a child’s attachment to a mother when she is released. Similarly, unlike younger children, adolescents are more likely to be aware of any media coverage of their mother’s illegal activities (Myers et al., 1999). Several of the mothers described concerns about their children reading about their offence and the confusion this could create. It was previously stated that Tara’s 12-year-old daughter had seen her mother’s press coverage, and another mother described how exposure through social media made her feel unwell prior to sentencing:

“some very nice person did a link to my Facebook, which I wasn’t very happy about because my daughter is on Facebook and didn’t know anything about it” (Marie, 5 Months Post Prison).

Many mothers also described a level of fear in their children of different ages, as a result of the separation, and the unexpected and sudden loss. Fear was often focused on the possibility of losing their mothers at an unspecified time in the future. This resulted in ‘clingy’ behaviour and a desire to protect their mothers, as well as creating certain difficulties in school. Some felt that these anxieties were because they had been unable to explain to their young children why they had been left with another carer. Steph described how her infant reacted when she joined her on a mother and baby unit after five weeks:

“she was crying, I had to be with her. I can’t even move over here (pointing to the other side of the room), she just wants to be attached to me. It’s like she’s scared, she doesn’t trust me again, because the separation and she is nervous I will do it again” (Steph, 7 Months Post Prison).

She said this behaviour continued throughout her sentence and for three months post-custody. Likewise, Bryony also described her infant’s altered behaviour when she regained her caregiving responsibilities after she was remanded.

“If I wanted to go to the toilet she would follow me...she was like ‘you’re not going anywhere this time, where have you been all this while!’...So if I

want to do anything she wants to go, she wants to go or she'd start crying” (Bryony, 3 Years Post Prison).

She said that this behaviour began to reduce after six months. Although this behaviour did decrease in both infants, it took them nearly double the length of time spent in prison to settle post-custody. Other mothers also recounted their young children's fear of further separation once they had been reunited. Danielle described how prior to his first prison visit her seven-year-old son became unwell because he was not eating, and that although afterwards he started eating properly his anxiety remained even after they were reunited. On one occasion he became very distraught when she opened a suitcase in order to retrieve summer clothes, interpreting this as preparation for another departure. Another consequence of the separation was that he felt the need to take care of his mother to protect her from further harm. This was only apparent when she was released rather than during her incarceration, and emphasises the importance of conducting post-release interviews to unearth longer-term harms.

“If he sees me not happy he will get very worried, ‘mummy tell me, because my job is to protect you, tell me what’s wrong?’ I say ‘nothing is wrong I’m okay’, he says ‘no you are not okay because I know you, you’re face doesn’t look okay’...So it’s like he is the parent and I am the kid” (Danielle, 8 Months Post Prison).

This also highlights the question of how prison changes the respective roles of mother and child both during and post-custody, and how this can affect the children's experiences of childhood. This role reversal was reported by Soffer and Ajzenstadt (2010), in their Israeli research, who found that women became dependant on their children. Arguably, the mother's behaviour is unsurprising considering the previous discussion of the childlike treatment that so many female prisoners receive. The consequences of such treatment are rarely discussed in the literature and require further exploration. Marie also said that her nine-year-old son provided support for her whilst she served her sentence:

“he ended up being the strongest...he was the one that like ‘don’t cry mummy it’s fine, we’re okay’, reassuring me all the time, always reassuring me that he was fine” (Marie, 5 Months Post Prison).

However after her release it transpired that he was not ‘okay’:

“when he goes to his dad he says to me ‘don’t drive through the ford, don’t drive if it’s raining’...The worry has gone from the prison thing...the worry has moved onto other things, he’s had a taste of losing me and he don’t want to have it again and his logic is I could lose you because you could die” (Marie, 9 Months Follow Up Post Prison).

Arguably a child of that age should not be thinking about the death of their mother. Both examples reflect how separation can affect the maternal bond, although in these cases rather than a lack of attachment there was a shift in the nature of attachment that changed the roles held by mother and child. Future research is needed to explore how maternal incarceration may cause young children to feel a need to take on a protective role following her release and what consequences this has for their own development.

Separation anxieties also persisted amongst older children, who may be reluctant to attend school in case another caregiver leaves them (Petsch and Rochlen, 2009). Bella’s 15-year-old son who had learning difficulties used this avoidance strategy. According to her daughter Lydia there were problems with his attendance:

“he didn’t want to go, we’d have to force him, keep going in in the morning saying ‘get up, please go to school’, you’d have to keep encouraging him and encouraging him” (Lydia, 1 Month after Mothers Release).

Bella discussed how he became ‘clingy’ and feared a further separation.

“He’s always frightened and nervous of me going back...he’d ring me from school just to check that I’m still there...He’s not as bad as he was, he’s gradually getting back into it but the doubts are there, he’ll ask me what I’m doing every day...Whereas he’d never ask me that normally” (Bella, 4 Months Follow Up Post Prison).

She said this continued for five to six months after she was released. As with the younger children it took her son nearly double the time she was away post-custody to settle. He was not, however, the only older child who experienced on-going feelings of insecurity. Marie spoke of similar anxieties with her 12-year-old daughter post-custody:

“If I’m late for picking them up from school or anything like that, it’s a big thing...they’re a bit insecure, last night I walked my son over to his friends...I was out of the house for ten minutes and my daughter was

looking round the house to see where I'd gone, she thought I'd gone away. There will be just little things like that" (Marie, 5 Months Post Prison).

Again, this appeared to ease with time; she said her daughter was much more relaxed five months post-custody:

"she still likes to know if I go out...but she lets herself in from school and if I'm not there I just text her, or she'll ring me" (Marie, 9 Months Follow Up Post Prison).

However, although her daughter would normally only worry about her whereabouts if she came home from school to an empty house, she was highly alert to circumstances associated with further separation. On one occasion she became upset when her mother drove through a red light. Marie had to explain that people were not imprisoned for such minor offences. Both of her children's anxieties shifted to more general vulnerabilities and fear of future loss, suggesting siblings can fuel or learn from each other's anxieties.

According to many sources (Lawlor et al., 2008; Ministry of Justice, 2007; Prison Service Order 4800, 2008) prisoners' children are three times more likely to have mental health problems than children in the general population. In their study of 144 Oklahoma female drug offenders, Sharp and Marcus-Mendoza (2001) reported that over 40% of adolescent children suffered with depression following their mother's incarceration. Although, none of the mothers reported that their children had been diagnosed with mental health issues, many described problems with sadness and grief. Marie's 9-year-old son whose attempts to reassure her were previously mentioned, hid his grief from her whilst she was in prison.

"Since I've been back it's come out that my son used to just go and cry himself to sleep because he wouldn't talk to his dad...my son won't cry in front of anybody apart from me...he feels that men don't cry and he has to look after mummy" (Marie, 5 Months Post Prison).

The inability to express sorrow continued to be an on-going issue:

"me and the counsellors worked with him to say it's okay to cry. Mummy deals with the problems, whatever problems you've got you come to mummy. Mummy looks after herself she doesn't need anyone to look after her...since I've been in prison he tries to shield it off...because he thinks I've got enough to worry about" (Marie, 9 Months Follow Up Post Prison).

Bella's older, 17-year-old, son also displayed depressive symptoms whilst she was away.

“He'd hide himself away in the bedroom he wouldn't come out...He didn't really want to talk about the situation, he just wouldn't let us know how he was feeling, every time we tried to speak to him he'd just change the subject or totally avoid it” (Lydia, 1 Month after Mothers Release).

Previously he had been very confident and spent time with his family. Likewise, Bella's daughter Lydia, who gave birth prematurely, said that her mother's imprisonment continued to affect her:

“I've had times when I've felt down and been quite emotional, looking back at it sometimes I get upset, but the majority of the time we've tried, it's hard, but we've tried to sort of put it to one side and carry on” (Lydia, 1 Month after Mothers Release).

It was mentioned earlier that Bella had written letters to all her children when she thought she might die in prison. Unfortunately Lydia had found them and this had a huge impact on her as she struggled to deal with its implications. Laura also explained how she felt her 13-year-old son had been affected emotionally while she was imprisoned.

“My son is very deep, I've tried my best to make light of it...but I believe he must have suffered at the time; he must have had nightmares” (Laura, 12 Months Follow Up Post Prison).

She described how, unlike before, he was now more guarded and would not let her hug him despite his tears. She said it took a long time before he opened up about his feelings, displaying instead confusion and anger when she refused to return to the relationship with his father<sup>127</sup>. Although 18 months post-custody she felt their relationship was healthy again, she remained concerned about what he kept from her, as he would often divulge feelings about the separation<sup>128</sup>.

The 'internalised' adaptations by the children had consequences for their educational performance, although this was not to the same extent as suggested in previous research

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127 As will be discussed later, the reason Laura would not return to the relationship was that his father had a history of violence towards her and her son.

128 For example after watching the film *The Shawshank Redemption* (Shawshank Redemption, 1994), which is a film that depicts acts of sexual violence in prison.



(Cho, 2011; Sharp and Marcus-Mendoza, 2001; Trice and Brewster, 2004). One mother felt that the stress involved with the separation, and the maternal role her older daughter had to take on, affected her health and subsequently her examination results:

“She was getting migraines so she couldn’t do her exams...it was because she couldn’t talk to anyone she built up a lot and felt that she had nowhere to turn, which was unfair on her because she had nowhere else to go to talk” (Tanya, 5 Years Post Prison).

Bella’s youngest son’s schooling suffered as a result of his anxiety. Prior to her imprisonment he had never had school detentions, but during the separation he got into trouble. Her daughter Lydia described what happened whilst her mother was in custody:

“[he] had a few behavioural problems, we had letters home saying he’d misbehaved, detentions for misbehaviour and for uniform because he wouldn’t wear his blazer to school, he’d always tell me he couldn’t find it” (Lydia, 1 Month after Mothers Release).

Both mother and daughter felt that his inability to find his blazer was a device to avoid going to school; either because he would be allowed to stay at home or because the school would exclude him. This is in line with the existing literature which has shown how ‘in the school setting, children’s feelings of abandonment and lack of trust in adults can manifest into a disregard for school rules, classroom instructions, and the rights and safety of other students’ (Petsch and Rochlen, 2009: 7). The behavioural problems in school continued for Bella’s son after her release when he was returned to her custody. The school ultimately sought his removal six months early, before he sat his GCSEs.

“In the end the school said he wasn’t concentrating he was disrupting the classroom...so they decided that it was best that he didn’t stay at school” (Bella, 14 Months Follow Up Post Prison).

Lawlor et al., (2008) and the Prison Reform Trust (2010a) both argue that the biggest social cost relating to the imprisonment of mothers is the impact on their child’s likelihood of becoming NEET (Not in Education, Employment or Training) as this greatly effects their life prospects. NEET children as adults may ‘have poorer mental and physical health, die younger and be more likely to live in poverty into old age than the average population’ (Lawlor et al., 2008: 31). As such there are wider problems involved with children not

completing school and being unemployed. However, despite leaving school prematurely, Bella's son passed his Mathematics GCSE through home tutoring which allowed him to enrol at a local college. This raises the question of whether his sister's attempts to provide a stable home life while Bella was away, and the contact he had with his mother, counteracted the negative effect of the separation and enabled him to continue with his studies and avoid becoming NEET. Trice and Brewster (2004: 34) found that 'adolescents in homes with more structure were more likely to remain in school and less likely to be suspended than those in homes with less structure'. However it is suggested that the difficult relationship he had with his father, which will be discussed later, and the problems associated with the sudden and unexpected departure of his mother, contributed towards his school problems. Only one other child in this research, Ursula's son, left school as a result of their mother's imprisonment. In this case he was 17 and had already acquired a number of GCSEs, but his mother was adamant that he would have stayed in college if she had been punished in the community. During her prison interview she expressed worries about his job prospects, which continued post-custody as he was still unemployed ten months after her release.

### 6.3.2 *'Externalised' Adaption*

Some of the children also externalised their emotions, many were angry, either at their mother for leaving them or the criminal justice system for separating them (Cunningham and Baker, 2004). Tanya described the anger displayed by her older daughter:

"sometimes she can be very hateful towards me and I think she resents me a lot" (Tanya, 5 Years Post Prison).

Donna (6 Months Follow Up Post Prison) also described her 14-year-old son's bitterness about her sentence and his refusal to speak to her when she was first released:

"he answered the phone and I said 'it's mummy', bam, he slammed down the phone, then I spoke to his grandmother and she said 'he's not happy because you've been to jail...he see's it as he gets told off, but he doesn't get sent away, so you must have done something severe'.

He had mild learning difficulties and it could be that the minimal contact Donna had with him whilst she was incarcerated exacerbated his anger, as she was unable to address his feelings properly in prison. In fact, she was unaware of his anger until her release.

In contrast, Marie (5 Months Post Prison) said her children were angry at those who took her away from them:

“there was a lot of ‘stupid Judge, taking my mummy away. What did he do that for?’...‘The Judge was a nasty man’”.

Interestingly, they did not hold their mother responsible for the separation, but blamed an unfair external cause. This anger did settle once Marie reassured them that she deserved punishment and that the Judge was only doing his job. Previously Marie’s concerns about her daughter reading about her offence on ‘Facebook’ was discussed, and her daughter did eventually read about her case online. Her daughter was so angry about the coverage and the reactions of the readers that she wrote a response in the comments section to those who had judged her mother. Danielle was also concerned about her son’s anger towards others whilst she was in prison:

“every morning when I called him he said ‘mummy I miss you, I wish you were here.’ Sometimes he used to say things that used to worry me like ‘if I know the people who did this to you I will hurt them’” (Danielle, 8 Months Post Prison).

He, like other children in this research, felt he needed to protect his mother. A child’s anger may have long term consequences, for example it may develop into distorted views of right and wrong, or result in them detaching themselves from their mothers entirely (Cunningham and Baker, 2004). They may also develop ‘maladaptive behaviors to overcome stressful events’ (Petsch and Rochlen, 2009: 3), become ‘aggressive, defiant, and disobedient’ (Kimbrough-Melton et al., 2011: 8). One consequence of these maladaptive coping mechanisms is problems in school (Cho, 2009; Cho, 2011). Tanya said that her eldest daughter had punched a boy because he mentioned her mother was in prison. When asked whether this was an isolated incident she said

“there was a bit of bullying but the (two older) children retaliated with violence. Their anger was coming out and people learnt to not mention their

mum being in prison because they will lose it with you, because they were protecting me...that's the worst thing, they shouldn't have had to" (Tanya, 5 Years Post Prison)

In addition to trying to protect her, they also got into fights protecting their younger sibling from bullying when she moved to secondary school. In response to the anger displayed, the school provided 'get-out-of-class' cards:

"so if one of them felt like they were really getting angry they were allowed to hold the card up and go out for ten minutes to calm down" (Tanya, 5 Years Post Prison).

Without this, Tanya felt there would have been more incidents and greater repercussions for their attendance and school record. Despite the 'get-out-of-class' card, she described her exasperation with her daughter's repeated school exclusions as a result of her anger.

Bullying is often discussed in the literature on prisoners' children (Christian, 2009; Ministry of Justice, 2007; Murray and Farrington, 2008). However, only one other child was potentially being bullied:

"He was never letting on to me that he was being bullied, but that's what I believe" (Bella, 1 Month Post Prison).

A recent study by Wolke (2013: 1) found that 'victims of childhood bullying...were at increased risk of poor health, wealth, and social-relationship outcomes in adulthood even after we controlled for family hardship and childhood psychiatric disorders.' As such, bullying is not just an issue for children whilst they attending school, it has serious long-term consequences that need consideration when sentencing non-violent women with school-aged children.

There was, however, one mother who said that since her incarceration her child was performing better academically. Previously she had struggled to provide him with a stable home life:

"when he was with me he was expelled from infant school. I didn't know what I was going to do with him, I was in the process of getting him into a naughty boys school" (Donna, 1 Month Post Prison).

Despite his expression of anger towards his mother, Donna's adolescent son had improved his behaviour since they were separated. This had a positive impact on his school achievements:

“he's just done his GCSE's a year and a half early, he's been given the gold medal for maths” (Donna, 6 Months Follow Up Post Prison).

Due to their children's not being of school age, none of the mothers reported any problems with their young children in school. Clearly, these problems may only become apparent once the children are old enough to attend school (Cho, 2009), and further supports the argument for longitudinal research in this area.

One consequence of the previously discussed distorted views of right and wrong, is that children may display more anti-social behaviour than their peers. According to the Ministry of Justice (2007) prisoners' children are three times more likely to be involved in anti-social or delinquent behaviour than children in the general population. This behaviour includes substance misuse, sexual promiscuity, gang involvement and criminal acts. Eddy and Reid (2001) argue that although antisocial behaviour may be normal for this age group, it is still the best predictor of future criminality. Huebner and Gustafson (2007: 284) suggest that ‘the stigma of parental incarceration coupled with an early deviant label may marginalize the child, increasing the chances of future contact with the criminal justice system.’

However in the present study only two of the mothers reported a development of delinquent behaviour in their children since their incarceration. This low incidence of delinquency may have been due to the involvement of pro-social family members and friends, or to the fact that it was their mother's first time in prison and they had not experienced multiple caregivers, or it may have reflected the on-going contact between mother and child during the separation. Maggie (9 Months Follow Up Post Prison) explained that her 17-year-old daughter was very angry about her mother's sentence and had started to drink excessive amounts of alcohol as a coping mechanism during the period of separation. However this did not continue as she became pregnant and took a decision to safeguard her unborn child. Tanya also said that her 13-year-old son had begun

drinking heavily during her incarceration, but unlike Maggie's daughter, this continued to be problematic post-release. Tanya said her sentence had significantly affected her son in other ways:

“he's having major major problems with everything. He's aggressive, he's violent, he's got so much pent up anger” (Tanya, 5 Years Post Prison).

This anger had resulted in him offending whilst she was incarcerated; she was the only mother to report this problem.

“He beat up five coppers, even though I said to him it wasn't the police's fault...because I'm his mum, because of his dyspraxia...I'm actually the only one who understands him, so actually they penalised him, it's like he's going to end up in prison...if he doesn't get the help that he needs, and he's not ready to ask for the help” (Tanya, 5 Years Post Prison).

When asked whether she could really hold her prison sentence responsible for his anger and subsequent behaviour, or whether he might have begun offending without the separation, she felt strongly that it was a direct consequence of her absence.

“He wouldn't have gone down that path if I hadn't gone to prison...when I came out, all of a sudden mum's back and telling me ‘no, you're not doing this’...if anyone had tried to tell him off, he'd say ‘you're not my mum’...I don't think it would have happened, because he would have had that constant stability” (Tanya, 5 Years Post Prison).

The different emotions that have been described demonstrate the variety of ways in which a mother's imprisonment can negatively affect her children, yet few resources were available to these families to help mitigate the experience. Tanya described the help she thought her elder children needed:

“they could do with some sort of counselling to get through this, because now as they're turning adults its affecting them” (Tanya, 5 Years Post Prison).

It is suggested that there are several other ways in which the harm to children can be minimised; these will now be explored.

## 6.4 Intensifying or Minimising Harm

There are many aspects of the separation that, depending on how they are dealt with, may intensify or reduce harm to these children. According to Runyan (1998: 18)

those interested in the healthy development of children, particularly children most at risk for poor developmental outcomes, can intervene to reduce isolation and nurture interpersonal relationships in a variety of ways.

It could be argued that the best protective factor for these children would be for them not to be in the custody of a woman who risks imprisonment, and to have limited or no contact with her. However, as will be discussed later, the care system also carries significant risks (Committee on Early Childhood Adoption and Dependent Care, 2000). For the children who are in their mother's care prior to her imprisonment there are several ways in which the harm can be alleviated.

### *6.4.1 Handling of Initial Separation*

The initial separation of mother and child will be one of the most painful aspects of imprisonment and, if not handled correctly, is likely to exacerbate negative emotions felt by the children during and post-custody. The harm to a child of witnessing their mother's arrest has been well established in the literature as 'the first crisis point' (Myers et al., 1999: 15). Children who are not of school age are more likely than older children to witness these events and their mother's subsequent emotions. Only one child was reported to have witnessed their mother's arrest. Although Laura's three-year-old daughter had never asked about the arrest, nor been told she was incarcerated (she was told she went to hospital) her mother firmly insisted that she would remember the arrest as she had memories of other events that stemmed from that period. For example she remembered her mothers return from prison after a three-week period of separation:

“Whenever she walks past the nursery she says ‘do you remember when you came from hospital...and you jumped out and surprised me?’” (Laura, 12 Months Follow Up Post Prison).

This falls in line with Jose-Kampfner's (1995: 94) argument that 'children of incarcerated mothers have sustained recall of traumatic events.' As a result of her daughter's memories Laura was concerned that her arrest or the reasons behind her 'hospitalisation' would be

brought up at a later date. Her daughter's development of a fear of policemen since the arrest also suggests an on-going concern about a further separation, even though she was unaware that the previous disappearance was due to custody. Her dislike of policemen is a response that is reflected in the existing literature, which suggests that as young children may not see themselves as separate from their mother they may personally absorb any threats to them (Johnston, 1995b; Poehlmann, 2005c). This development of dislike or antipathy towards people working within the criminal justice system if left unaddressed may result in future hostility, anger or even criminal behaviour (Cunningham and Baker, 2004). Arguably, Laura and those supporting her family should not ignore this reaction.

However, it is suggested that the unexpected separation, to which the majority of the children in this research were subject, may be different but equally as harmful as witnessing the arrest. Trauma may be caused by the unexpected departure when a school-aged child finds their mother absent with no explanation for the sudden desertion (Parke and Clarke-Stewart, 2001). One mother who as a result of her incarceration had been unavailable to collect her adolescent son with learning difficulties from school discussed this:

“‘Oh mummy I thought you'd left me, I thought you didn't love me, these people came and took me away.’ He got picked up from school by social services” (Donna, 1 Month Post Prison).

Danielle also described the distress caused to her seven-year-old son when she was unable to pick him up from school, so her ex-husband went to collect him. However, the staff would not release him into his care without the presence of social services, which only added to her son's confusion about her absence. Bella's adult daughter, who helped look after her siblings during her mother's sentence, said it would have been easier for them if they had been warned about the potential imprisonment.

“I would have been much more prepared because the shock, I was not expecting that that was coming, I found that quite difficult to accept and try and make arrangements and having to do everything” (Lydia, 14 Months Follow Up after Mothers Release).

It is suggested that at least some of the negative emotions displayed by the children in this research could have been mitigated if they had been pre-warned and prepared for the



possibility of the separation. The reported levels of sadness, anger and confusion in children could have been reduced if their mothers had reassured them that they were not the cause of her departure and would have allowed these women to make caregiving preparations<sup>129</sup>. It is suggested that insights can be drawn from the bereavement literature which makes clear that a sudden separation, which occurs without explanation or warning can cause greater distress to children than an expected departure (Davies and Limbo, 2010), as it results in a high level of confusion. Several of the mothers, whose children were unprepared, felt that there were on-going emotional and psychological consequences for their children as a result of the way they were initially separated. Bella felt that her 15-year-old son's on-going problems were caused by the fact he returned home from school to be confronted with her absence. She maintained that this was a consequence of the suddenness of his loss and lack of preparation rather than the fact of their separation *per se*. Part of Bella's on-going anger was that she felt tricked to attend court and was therefore not given the opportunity to explain the risk of separation to her son who had mild learning difficulties.

#### 6.4.2 Honesty

It is suggested that older children are more likely to be pre-warned about their mother's incarceration, not least because the reasons for the absence will be easier to hide from a younger child. However, only a few of the mothers that were interviewed anticipated or accepted the likelihood of a prison sentence, possibly because of their inexperience with the criminal justice system, because of denial motivated by fear or because of high levels of shame associated with the potential separation (Baunach, 1988). Only two mothers pre-warned their children, aged 11, 13 and 15, about the risk of separation. However, even one of these mothers admitted that she was in a state of denial up to the point of being sentenced and described her internal conflict.

“Even in my heart of hearts on the day, when I said goodbye to them for school I didn't think I wasn't going to come home...I don't know if it was something that I couldn't face, so I didn't really say ‘the next time I see you will be when I'm in prison’” (Una, 1 Month Follow Up Post Prison).

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129 Making preparations for childcare is very important, this is reflected in the literature, ‘in some countries (for example, the Netherlands) sentences may be deferred for a short period of time in order to allow the prisoner the opportunity to take care of any necessary childcare arrangements’ (Taylor, 2004: 27).

Only two other mothers admitted to acknowledging the reality of their situation, but both felt that warning their children could cause unnecessary distress if they subsequently received a non-custodial sentence. One felt that leaving her children letters was better than informing them beforehand as she worried they would be too distressed to attend school.

“I said that ‘unfortunately if mummy doesn’t come back this evening then I’ve had to go away for a little while. I’ve not gone away because I don’t love you, don’t hate me for it, I’ve gone away because I’ve had to go away...I told them all about the crime and what had happened and that I’d done a bad thing’” (Marie, 5 Months Post Prison).

In a later interview she maintained this was the best decision, although her ex-husband did not agree with her. Both her children demonstrated fear about further separation when they were reunited, which suggests that this did not protect them. The only other mother who anticipated the risk of custody also avoided telling her children:

“I couldn’t tell them because I didn’t want to hurt them and put them through that...how can a mother tell her children that she might go to prison?” (Tara, 7 Months Post Prison).

She described how she received criticism from her children’s social worker for not making adequate arrangements:

“[she] turned around and said ‘you should have told them, you should have told them’...well you know the kids are going to go up for adoption now”<sup>130</sup>.  
(Tara, 7 Months Post Prison)

Where women deny to themselves the risk of imprisonment, they are inevitably unlikely to provide advanced warning to their children. It seems very doubtful that the remaining mothers interviewed in this study were entirely unaware that separation was a possibility, they must have had high levels of denial not to recognise the risk. It seems that most took the decision not to pre-warn their children because of shame (Baunach, 1988), they were too fearful to accept the risk or displaced the fear with hope for a not-guilty verdict or a

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<sup>130</sup> This threat of permanently losing her children caused considerable anxiety especially as none of her children were put up for adoption.

non-custodial punishment. Future research should explore this, as addressing the shame may allow for many children to be pre-warned about the possibility of separation.

It was previously argued that a child's age alters how they are affected by their mother's departure. The provision of honest answers is an example of this. Infants and young children are often too young to understand, but they must deal nonetheless with the unexpected and unexplained separation, which, as already argued, may be problematic in itself. Several of the mothers described a sense of relief that their children's young age meant they did not know why they were away. Bryony's 11-month-old daughter had been told she was travelling. Likewise, Dalia's four-year-old son was not told the truth:

"I used to tell him I was working, that I was earning pennies for him...The thing is because he's young enough you could get away with it...But nowadays...I think it would be a lot harder" (Dalia, 11 Months Post Prison).

Both Dalia and another mother Laura, whose daughter was three years old when she was incarcerated, described their anxiety about this continued concealment.

"I worry that somebody in the future might say something...when she can understand more, and she can say 'mummy did you go to jail?' That affects me, because I don't want her to know that" (Laura, 12 Months Follow Up Post Prison).

The failure to prepare children for their mother's imprisonment may create a level of confusion regarding whether they are loved or whether they did something wrong which brought about the separation (Hairston, 2008; Sazie et al., 2011). Kimbrough-Melton et al., (2011) and Parke and Clarke-Stewart (2001) suggest that it is very important that children who are old enough are provided with information as this will reduce anxiety and may minimise their suffering during their mother's incarceration. This information allows them to 'begin the dual processes of grieving the loss of their parent and coping with their new life circumstances' (Parke and Clarke-Stewart, 2001: 3). Consistent with attachment theory, not telling them may have a significant detrimental effect on the formation of trust in caregivers and the mother-child relationship (Travis et al., 2005).

Telling children also prevents them finding out the truth through other means and realising they have been deceived (Light and Campbell, 2007; Poehlmann, 2005c). As previously

discussed, this happened to one of the mothers, Danielle, whose son struggled with the fact that a “goody” like his mother would be placed in prison with “bad people”. It is suggested that prison was not the most suitable environment for him to be told, as he was already dealing with a mixture of emotions as a result of both the separation and the prison-visiting conditions. This may partly explain her son’s anger during her detention. Poehlmann (2005c: 687) reported in her research that ‘it became apparent that some children knew more about the mother’s incarceration than what they were told by caregivers.’ Therefore it is suggested that some of the children who were deceived about their mother’s situation might know the truth and have to deal with a sense of betrayal. However, the majority of children in this research who were not pre-warned were told the truth once they were separated. There were however significant variations in who told them, and many of the mothers said that ideally, they would have preferred them not to know. For example, with no consideration of both mother’s wishes, all four children in care were told of her imprisonment by social workers (see Appendix 9). These women differed in how they would have liked their children to be told. Tara who initially had her 6, 11 and 12-year-old children placed in care:

“I would have preferred them to have come up and seen me and I would have sat them down, but it didn’t happen” (Tara, 7 Months Post Prison).

For Tara, it was important for her children to hear the explanation from herself rather than strangers. In contrast Donna did not want her 14-year old son to know the reason:

“I would have preferred it ‘mummy’s gone to hospital, or mummy’s gone away with work’, something like that, you don’t want him knowing” (Donna, 1 Month Post Prison).

Her concerns about his awareness appeared to be well founded given the anger he displayed when told the truth. However potentially there would have been less anger if he had been pre-warned.

Despite the benefits of telling their children, ‘many mothers feel unable to talk with their children about themselves, their crimes, and the complex circumstances surrounding them’ (Clark, 1995: 318). Notwithstanding the benefits of honesty, there are arguments that the truth will cause more harm. Travis (1981: 87) suggests ‘that parental absence is a

multi-dimensional variable which takes on added meaning depending on whether the child believes the parent is absent for socially acceptable reasons or for reasons which carry a stigma.' As such, honesty may create anger and hostility as well as confusion towards a mother (Cho, 2009; Parke and Clarke-Stewart, 2001), therefore many children are not told the real reasons for their mother's departure, but informed instead that they are at school, in hospital or abroad (Greenberg, 2007; Poehlmann, 2005c; Snyder et al., 2002). One mother in this research asked several of the prison officers what other women did:

“normally when the father is in prison the mum brings the children ‘we’re going to see daddy, he’s at work doing building’. It’s alright for the dad, but what do you say when the mum’s in prison? ‘You don’t need to, mummy’s working abroad, mummy’s working outside’” (Tara, 7 Months Post Prison).

These mothers' experiences demonstrate that many women do not know how best to prepare for potential incarceration. It raises the question of whose responsibility it is to advise women about the preparations and what children should be told. These mothers' experiences show that the impact on their children or 'psychological trauma' (Cho, 2009: 13) of sudden and unexpected separation, even when that separation is short term, continues for much longer than the period in custody. However none of the mothers in this research said they received any constructive support or guidance on what, or how their children should be told about their absence. Carers and mothers need to be assisted, by both those working in prison and community organisations, to promote best practice. The lack of early intervention in prison has been highlighted by HM Inspectorate of Prisons (2010: 7) 'reception procedures had improved but there was a need to ensure that women with child welfare issues were identified and these issues followed up.' During the reception process women should receive help contacting their children promptly, but also guidance as to what children should be told, which would support the broad post-Corston commitment to minimise the harms associated with women's imprisonment.

#### *6.4.3 Caregiving Arrangements*

Another factor that may intensify the harm to female prisoners' children is that they will often require new caregivers during their mother's absence (Caddle and Crisp, 1997; Corston, 2007), causing greater emotional and physical upheaval. Although all prisoners' children 'are at greater risk of living in poverty and experiencing instability in caregiving'

during their parent's absence (Kimbrough-Melton et al., 2011: 11) female prisoners' children are at greater risk of disruption because often they are brought up in single-parent households with their mothers as primary or lone caregivers (Prison Service Order 4800, 2008), as was the case for most (19) of the children in this research.

It is suggested that for children in their mother's care, the harm of the separation can be mediated by them staying in their own homes with new or pre-existing carers, as was the case for eight children in this research. Many of the women expressed relief over this harm minimisation:

“they have been cushioned because my partner was there for them...they've still been able to do all their things, gone to school, they've come home, they've had support, obviously they missed me but I spoke to them on a daily basis” (Una, 1 Month Follow Up Post Prison).

“Him going to live somewhere else with some strangers would have been horrible” (Danielle, 8 Months Post Prison).

Nonetheless, children can respond well to their mother's departure even if they move home, if they experience secure living arrangements (Bloom and Steinhart, 1993; Poehlmann, 2005c). The provision of warm and stable ties, that give rise to feelings of acceptance and love, may protect children from developing behavioural problems (Mackintosh et al., 2006) and help them prepare emotionally for their mother's return (Petsch and Rochlen, 2009). However the way in which children react to their mother's departure, as seen in the responses of those in this research, may obstruct these positive relationships (Arditti, 2008; Bloom and Steinhart, 1993; Poehlmann, 2005c). Likewise, the financial strain on caregivers who may need to reorganise their lives may undermine their ability to provide stability (Mackintosh et al., 2006). In this research the majority of the children had informal living arrangements where, in line with the existing literature (Aziz et al., 2012), their carers received no financial help, and several of the mothers discussed this financial burden on their children's carers. Both Danielle and Bella spoke of the caregivers being unable to access the pre-existing benefits resulting in their children going without certain luxuries. Maggie also spoke about her partner's difficulties to manage financially with a reduced income as well as keeping on top of household chores.

Most of the mother's whose children moved in with new carers displayed a sense of relief about the arrangements, largely because it avoided their children being placed in care.

“As horrible as it was being separated from them at least they didn't have to go into care...it wasn't the same as being with their mum, but they were with their dad...In a lot of ways I'm luckier than most, you get these girls and their kids have got no dad and they have to go into care and they don't see them again” (Marie, 9 Months Follow Up Post Prison).

However because of tensions with her ex-husband there was a lack of communication about the problems during her absence. She was anxious about them having insomnia whilst she was in prison, but was unsure of the extent of this until she was released.

“Their father didn't really say too much really, my ex doesn't like to be seen as though he's failed in any way” (Marie, 5 Months Post Prison).

This may explain the previously discussed anxieties that both her children had about further separation from her. Those who do not receive co-ordinated care may have intensified levels of harm (Cecil et al., 2008), and the lack of support Marie's son was given when he cried during her imprisonment indicates this was not dealt with in a coordinated manner. Parke et al., (2001) suggests that strain, which will affect the level of care given, may be most noticeable in kinship homes, and that these relationships may resemble joint custody in divorce cases where co-operation is necessary for good child outcomes. Co-caring is often complex in nature and Marie's experience raises a more general question about whether female prisoners do not hear about their children's problems due to co-caring difficulties.

Many of the other mothers, including those with children who stayed in their own homes with new carers, identified specific concerns about deficits in the care. Danielle described how her sister was unable to speak English and so relied upon others to resolve issues with the local council and school. Likewise, Lydia who helped look after her siblings during her mother's incarceration, explained how her father, who moved in to live with the children, knew very little about their day-to-day care.

“He didn't have a clue how to do food shopping, what to buy, didn't have a clue how to do the electric, the gas, TV licence, everything like that he'd leave down to me” (Lydia, 1 Month after Mothers Release).

Another mother, whose daughter joined her in a mother and baby unit after five weeks, described anxieties over her level of speech development whilst she was in the care of her father who did not speak Hausa<sup>131</sup>.

“In that short period nobody spoke my language for her...she does speak it, but not the way I started” (Steph, 7 Months Post Prison).

Language abilities continued to be a source of concern for Steph, however in her follow up interview, rather than problems with her mother-tongue, she was worried about her two-year-old daughter’s level of English.

“I believe if I wasn’t separated from her it would be more developed...it’s affected her. She’s quite quiet, her friends speak a lot more than her... she’s still speaking baby language” (Steph, 13 Months Follow Up Post Prison).

According to NHS guidance (Healthvisitors.com, 2006) children of this age should use 50 or more words, be able to combine two words and use nouns and verbs. However prior to the interview it was apparent that her daughter used what Steph described as a ‘baby language’, which Steph was unable to understand. It is difficult to determine whether, or to what extent, prison affected her daughter’s linguistic development, but she was convinced that it had been impaired by the separation and the interim care that had been provided. This example raises the problem of separation inhibiting a child’s development, specifically speech, which is a widely recognised in the literature as problematic (Roos and Weismer, 2008).

For some mothers the caregiving arrangements were less than ideal. Another mother described her concern about the physical care her daughter received from a family friend:

“I got very cautious when they brought her for visits...I’d want to change her pampers even when I knew they were not wet so I get to have a little private time. I had a little changing room so I get to check her and make sure nobody has tampered with her. It’s a mental thing you just tend to protect, it’s a mother’s instinct” (Bryony, 3 Years Post Prison).

These concerns raise the question of the adequacy or quality of the informal caregiving provided when primary caregivers are incarcerated. Women may agree to unsatisfactory

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<sup>131</sup> This is one of the major languages spoken in Nigeria.



and inappropriate arrangements due to the fear of their child being taken into care and what this could entail. Entering the care system ‘carries with it the risk of multiple placement changes and loss of connection to school, community, friends, siblings and extended family’ (Christian, 2009: 3). Future research should examine whether any checks are made about the suitability of alternate care, as currently this is unknown but this research indicates this is lacking. In their research on 500 British family and friends-carers’ households<sup>132</sup> Aziz et al., (2012: 6) found the carers often reported no practical or emotional help and no support with the child’s behaviour. The mothers in this research also reported very little outside support for those children who did not enter the care system. It is maintained that ‘caregivers needs are integral to the welfare of the children’ (Bloom and Steinhart, 1993: 39) and as such their needs to be more guidance and financial and emotional support to carers during a mother’s incarceration.

It has been argued that changes in care and the consequential upheaval in children’s lives are likely to negatively affect them, especially if previously they have only ever lived with their mother. However, multiple moves are likely to further intensify the harm. The Committee on Early Childhood (2000: 1146) suggest that ‘repeated moves from home to home compound the adverse consequences that stress and inadequate parenting have on the child’s development and ability to cope...Disruption...for even one day may be stressful.’ In order to gain a better understanding of caregiving arrangements of female prisoner’s children, Hanlon et al., (2007: 355) suggest that

the child welfare system should engage in a collaborative arrangement with the criminal justice system to develop a common database that provides an accurate, readily accessible account of the number and composition of child-rearing families directly impacted.

In their research Aziz et al., (2012) reported that 20% of children cared for by kinship carers were initially placed in care, as was the case with several of the children in this study. However as previously mentioned, only five of the children in this research, had multiple placements during their mother’s custody. The stability of these arrangements could be explained by several factors: firstly as it was their mother’s first time in prison none of the children had previously required alternative care; secondly, in most cases, the

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<sup>132</sup> The children being looked after by these carers did not necessarily have imprisoned mothers.

mothers chose the caregivers (Poehlmann et al., 2008); lastly these mothers were only incarcerated for between three weeks and six months, where the children only needed alternative care for this relatively short period (Appendix 11).

Although it has been argued that kinship provide preferable alternative caregiving (Mackintosh et al., 2006), many prisoners' children have to be placed in care, which carries a high level of risk to children, which may increase the harm of the separation. In their analysis of several studies, Johnson and Waldfogel (2002: 6) identified local authority placement 'as a risk factor, above and beyond the family and environmental risks that precede it.' However as previously mentioned only four children in this research initially went into the care system, suggesting that most of the women had people willing to take on caregiving responsibilities. Due to Donna having very little on-going contact with her child whilst she was in prison<sup>133</sup>, she continued to be fearful about the impact of care and him suffering multiple moves, as it cannot be assumed that no knowledge of issues means there are no problems. As already discussed, during his time in care her son built up a high level of anger towards her, which was not sufficiently addressed by his carers. In contrast, although Tara had requested her children be placed in care, she felt that they were not treated well. During a prison visit she saw how social services had failed to treat her son's eczema, which resulted in blistering of his hands. This lack of healthcare is consistent with existing literature (Schneiderman et al., 2007).

Tara was also very concerned about the level of care they received from their second foster family and requested they be moved.

“[They] used to put them in their bedroom when they had visitors, they didn't used to take them out. Both of them had nits, my older daughter was showering my younger down, looking after her, mothering her...My older daughter was crying her eyes out” (Tara, 7 Months Post Prison).

However the third placement raised other concerns about their physical wellbeing.

“They're not even meeting the basic needs of the Muslim, they've been stripped apart, it's all discriminatory...When they were with me they were

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<sup>133</sup> Due to being initially unable to find out where he was placed, having the first prison visit delayed due to staff being unavailable to accompany him, and due to only having one visit due to her sons' emotional distress caused by the separation at the end.

going to a Mosque twice a week, they were eating halal food...Just because I went to prison these things are disappearing, here's no halal meat...they were having vegetarian stuff...that's why they're so skinny and frail" (Tara, 13 Months Follow Up Post Prison).

This is in breach of both the United Nations Convention of the Rights of the Child (1989) and the Children Act (1989) of which states that

‘in making any such decision a local authority shall give consideration “to the child’s religious persuasion, racial origin and cultural and linguistic background”’.

Tara’s children did not receive this, and their cultural and religious practices were not continued; they never visited a Mosque and their diet was not maintained. There appears to be no regulation for councils to ensure a religious provision is available for looked after children, raising concerns about the level of care given to all children in care<sup>134</sup>. Article 25 the UN convention on the rights of the child states that children in care should receive ‘a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.’ However the mother’s claimed that the review of the children’s care placements was only done at their request. According to the Department of Education (2012b) in England in 2011/12 looked after children performed worse academically than other children, which may impact life chances. However, as already discussed in contrast to this, Donna said that her son was performing better in school because of the stability provided in her absence, both while in a children’s home and in his grandmother’s care. Tara did not mention that being in care impacted her children academically, but described changes that could affect their education.

“They’re not even having a bath every other day, they come in really messy and wearing a dirty jumper to school...they are so unorganised, ‘I’m so tired mum, I go to sleep so late’. There’s a lot of things that are put on the 13 year old...she’s not resting” (Tara, 7 Months Post Prison).

#### *6.4.4 Contact*

Previously it was argued that contact is valuable for the mother, however the benefits of children having contact are also plentiful in the existing literature. For example in their

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<sup>134</sup> There were 68,110 children looked after in England on the 31st March 2013 (Department for Education, 2013).

American research Trice and Brewster (2004: 34) found that ‘children who had regular, frequent contact with their mothers had better adjustment than those with less contact’ as well as much lower levels of school drop out and suspensions. Contact may also help with reunification when a child’s mother is released as without contact they may see their parents as strangers (Snyder, 2009). As such children should be given the opportunity to see or speak to their mother (Hairston, 2008; Kimbrough-Melton et al., 2011). In fact there are obligations on the state and public authorities to promote contact.

States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child’s best interests (UN General Assembly, 1989: 5).

Women prisoners shall be given the maximum possible opportunity and facilities to meet with their children, when it is in the best interests of the children and when public safety is not compromised (United Nations, 2010: 20).

Preventing children from seeing their mother could also breach Article 9 of the Convention on the Rights of the Child as well as Rule 52 of the Bangkok rules. Although prison creates many physical and emotional barriers to sustaining mother-child relationships (Greenberg, 2007) the majority of the children in this research maintained some form of contact with their mothers during her absence.

Most of the children spoke on the telephone to their mother regularly, which allowed the mothers ‘to participate in their children’s daily lives’ and to have ‘a larger role in making decisions and discussing problems with children and caretakers as they occur’ (Tuerk and Loper, 2006: 29). This form of regular contact helps to reduce negative reactions in children, as their mothers remain present in their lives. However as previously discussed there are often delays with approving contact numbers and the cost of prison telephone calls is often prohibitive. Although interaction through calls is often beneficial for children, it may reinstate the child’s attachment without their mother being able to deal with issues from the confines of the prison.

Another form of contact is letters, which ‘allow both the writer and the recipient opportunities to reflect and respond at their own pace’ (Tuerk and Loper, 2006: 29).

However, this method of communication was used less by the children than telephone calls. Letter writing may be hindered because of low levels of literacy in both child and mother. One mother described how her detoxification, which included diazepam, had affected what she had written to her children during her first few weeks of incarceration.

“It wasn’t until I read my kids letters that I thought ‘did I really write that? And my writing and everything else I was like “oh my god”’ (Tanya, 5 Years Post Prison).

This may have been very confusing for her children, and may have increased their level of concern about her emotional and physical safety.

Another way in which children can retain their relationship with their incarcerated mother is through prison visits, which many argue reduces the damage caused by the separation (Hanlon et al., 2007; Hoffmann et al., 2010; Poehlmann, 2005c). Visits may also help children adjust emotionally by reducing their feelings of rejection as they are able to ask their mother questions and receive reassurance (Johnston, 1995c; Kimbrough-Melton et al., 2011). Prison visitations also allow children to visually confirm that their mothers are well (Snyder, 2009), see that other children are also separated from their mothers, which may reduce feelings of isolation (Kimbrough-Melton et al., 2011) and they may also help children adjust to their mother’s return (Myers et al., 1999; Petsch and Rochlen, 2009). Most of the mothers who were visited by their children felt it was beneficial:

“it was positive because they could see me, visits are very good, they are very important” (Maggie, 9 Months Follow Up Post Prison).

However, some argue that visits are too often presented as an unmitigated good, overlooking how psychologically and physically demanding they can be (Bloom and Steinhart, 1993; Young and Smith, 2000), and ignoring the potential to ‘produce negative reactions in the children’ (Parke and Clarke-Stewart, 2001: 5). Seven of the children in this research did not visit their mother in prison. One mother described how the distance of the prison combined with the expected distress of the visits prevented them:

“I said ‘no I’d rather just have phone calls and have pictures, I don’t want you dragging the kids all the way up here to see me.’ Especially my

eldest...he's five now, he'd be heartbroken to leave me there and it would just upset me more" (Dalia, 11 Months Post Prison).

Interestingly Poehlmann (2005c) found in her research that children who undertook prison visits had less positive representations of their mothers in comparison to those who had not visited. This might be explained by the fact that children's attachment systems may be activated 'without affording opportunities to work through intense feelings about the relationship because the separation continues' (Poehlmann, 2005c: 693). For many families the visiting procedure, the amount of time queuing and being checked for short visits, the intrusive searches, the possibility of drug detection dogs, the hostile or 'child-unfriendly' visiting room (Parke and Clarke-Stewart, 2001: 4) and unnatural conversations created by a highly supervised environment, may deter the number of visits undertaken (Hairston, 2008; Light and Campbell, 2007; Myers et al., 1999).

"It's not a nice environment, even the security of it for visits is traumatic in itself" (Una, Less than 1 Month in Prison).

Several of the mothers described the pain involved with visitation:

"my boy was in floods of tears, saying 'mummy please come with me, please come'. Even though he was 14, I don't think he quite understood what was going on" (Donna, 1 Month Post Prison).

As such, 'when visits do occur, the prison experience can be a scary and confusing one for the child' (From, 2008: 19). This is likely to be particularly the case for young children who do not understand what is happening, especially when physical contact is prohibited.

"You sit on the coloured chair, they sit on the chairs at the side and you can hold hands and that's it" (Marie, 9 Months Follow Up Post Prison).

Laura (12 Months Follow Up Post Prison) also described this lack of contact when her adult daughter visited:

"they were hard, because there was no hugging, no this, no that, you know, 'sit down', 'move away', 'sit there'".

Arditti (2008: 16) suggests that 'barriers and obstacles associated with visitation may undermine any therapeutic value of visiting for family members, and could potentially exacerbate loss-related trauma.' The benefit of well-managed visits may well be distorted

if negative or ill-planned visits also take place (Flynn, 2011). Although visiting conditions have been improved (Clewett and Glover, 2009) more research needs to examine the quality of visits between mother and child, rather than simply whether or not they occur. As a result of the pain involved with visitation Ursula (5 Months Follow Up Post Prison) decided that a subsequent prison visit would further distress her son:

“I didn’t want him to visit again, I watched him cry as he walked out the door and I couldn’t do it, so I said no more”.

It could be argued that a single prison visit may be especially harmful as children are left to deal with the emotions involved with the visit but not given an opportunity to get into a routine of seeing their mother in prison.

Despite these reservations, a lot of literature strongly supports the maintenance of contact through visits, suggesting that for most families the benefits considerably outweigh the disadvantages. Cunningham and Baker (2004: 9) argue that ‘efforts to enhance contact between mothers and children should include designated family liaison officers to help families negotiate the visiting process and maintain contact’, and champion the use of other means of contact, for example family days.

These extended visits provide prisoners with an opportunity to play with their children in organised activities, care for them in a more normal way than is usually possible through preparing or eating a meal with them, helping with homework and other caring responsibilities (Robinson, 2013: 24).

Although the information provided for female prisoners (Inside Information, 2014) states that family days are normally available for children under 17<sup>135</sup>, many of the women reported being told only children under 12 years of age could take part<sup>136</sup>. As a result, only one of the mothers experienced a family day:

“They loved it, ‘mum is this a prison?’...We had a bouncy castle, we had Father Christmas, he gave out presents. I let my hair down, there was so much in the gym to do...they were doing all these activities...it’s not a prison atmosphere” (Tara, 7 Months Post Prison).

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<sup>135</sup> It is available for children under 16 years old in HMP Holloway.

<sup>136</sup> This again reflects the lack of information in female prisons.

The other women who were eligible for the visits and applied did not have them either because of their short time in custody or because there was nobody able to accompany their children on the journey. Tara's positive experience of the family days demonstrates the importance of these more natural, longer visits and what can be done to help maintain these important relationships. Children of any age would benefit from this contact and a greater provision of more flexible visiting arrangements would help to normalise the interaction between mother and child (Light and Campbell, 2007).

In line with the literature (Loper and Tuerk, 2006), several mothers said that their children's carers obstructed the contact they had with their children. Due to her poor relationship with her ex-husband Laura did not speak to her son throughout her sentence:

“his father had got hold of him. I was so devastated because he never got any of the letters I wrote” (Laura, 12 Months Follow Up Post Prison).

Likewise, after his first prison visit Tara's son went to live with his father who became his primary caregiver due to a residence order<sup>137</sup>. Although Tara had parental responsibility<sup>138</sup>, all further communication was stopped until four months post-custody.

“Every week I was writing to but I never got a response... What relationship I had with my son prior to my sentencing, has totally gone because I went into prison... my son's dad said prison wasn't a nice place for him to visit, so he didn't bother bring him down” (Tara, 7 Months Post Prison).

Poor relationship with the carer can separate beyond prison visits. Although contact was finally allowed it continued to be minimised by his father. At her final interview she said she had only seen her son once post-custody, without her daughters, when she took a 22-hour round train journey. The hostility from her ex husband had become such a concern that she had begun recording her telephone calls:

“so I have a back up of everything, because I don't want to be accused of things I didn't say or anything, I'm always a constant worrier of these sorts of things” (Tara, 13 Months Follow Up Post Prison).

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137 'A residence order states which parent a child should live with on a permanent basis and who should be the child's primary carer' (Rights of Women, 2011).

138 'Parental responsibility is the responsibility a parent has for a child rather than the rights she or he has over the child. Parental responsibility is the ability to make or be involved in the important decisions necessary in a child's life' (Rights of Women, 2007).



Arditti (2008: 32) suggests that the caregivers of imprisoned mothers' children may require more 'assistance and support in order to make informed decisions about children's relationships with parents', and the impact that no or limited contact can have on them.

#### *6.4.5 Support Networks*

The final factor that could be used to minimise the harm to children is the existence of support networks (Runyan et al., 1998). Children's responses to their mother's imprisonment are heavily dependant on the level of family and formal support they receive (Kimbrough-Melton et al., 2011; Parke and Clarke-Stewart, 2001). It is maintained that those who had 'already established close emotional relationships with the extended family' will find the transition of care less traumatic (Parke and Clarke-Stewart, 2001: 4). Werner (2000: 125) suggests that 'association with friends and the parents of friends who come from stable families can help resilient children gain a perspective and maintain a constructive distance between themselves and their own households'. Many of the children in this research benefitted from their supportive and conforming peer groups:

"They've got some great friends and my daughter's friends were brilliant, they looked after her through school" (Marie, 5 Months Post Prison).

"Her friends, her proper true girlfriends they were brilliant" (Maggie, 9 Months Follow Up Post Prison).

One mother discussed how during her incarceration a close friend would take her children at weekends and distract them with activities. Similarly teachers and counsellors can support children and reduce school related problems if they are informed of the situation (Petsch and Rochlen, 2009). Both Laura and Donna's sons had counselling in school, and both thought this was beneficial in helping their sons manage their emotions during their absence. Likewise, as previously discussed, Tanya's elder children were given 'get-out-of-class' cards to help them cope with their anger and minimise ill-discipline. These were, however, the only instances of support from statutory authorities that specifically aimed to help children deal with their mother's incarceration. Several of the women also discussed how their religious group had helped them during and after prison, sometimes a church would provide financial help.

“The church try and help, they help take care of the children and contribute towards the costs” (Maggie, 1 Month in Prison).

However in contrast, Tara’s daughters were unable to receive support from the Mosque as they did not attend whilst in foster care. In their research on the impact that social capital has on the developmental and behavioural well-being of pre-school children, Runyan et al., (1998: 15) found that ‘the addition of any one social capital indicator increases the odds of doing well<sup>139</sup> by 29%; adding any two increases the odds of doing well by 66%’.

However there are several reasons why the children of female prisoners may not be protected by social support. It is suggested that the feelings of unfair treatment, as discussed in the previous chapters, may exacerbate a reluctance to seek help, potentially further adding to the shame felt by the children. Likewise, high rates of familial incarceration in prisoner’s families (Social Exclusion Unit, 2002) means their children may have depleted support networks. However predominately the mothers in this research came from pro-social families and part of their stigma was that they were the first of their family to be imprisoned (Myers et al., 1999). These women may be reluctant to disclose information necessary to trigger the provision of external support. Several of the mothers in the current study reported a lack of help from family members. Una described how her uncle was very unsupportive to her family during and post incarceration, which added to her feelings of guilt as her actions had divided the family.

“When it happened to me he didn’t contact my mum at all, bearing in mind that they see each other quite regularly...she was quite upset by it” (Una, 1 Month Follow Up Post Prison).

Likewise Marie received very little comfort from her family:

“you lose your family, you tend to lose a little bit of self-respect...there were some of my family members including my dad that didn’t, couldn’t believe what I’d done and were disgusted” (Marie, 5 Months Post Prison).

As a consequence of their mother’s sentence their children lost both the care of their mother as well as the support of the wider family, who had previously been an important

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<sup>139</sup> Children were classified as doing well if neither behavioural nor developmental problems were highlighted in either the Child Behavior Checklist or the Battelle Developmental Inventory Screening Test.

part of their lives. The literature also suggests that when children are made aware of the incarceration, as was predominately the case in this research, they are often told not to tell anybody (Myers et al., 1999). Una's adolescent daughters, who were both informed beforehand about the possibility of prison and visited her in custody, were advised to be wary of disclosing information:

“they said ‘mum what do we say to this person?...I would say ‘you don’t want to tell too many people because too many people have opinions...we don’t need to tell too many, because I’m only going to be away for a short time, and then I will be out’” (Una, 1 Month Follow Up Post Prison).

The literature suggest that this secrecy (Greenberg, 2007) and the creation of ‘forbidden topics’ (Jose-Kampfner, 1995: 92) further adds to children’s stigma and may make them ashamed of their mother, which will exacerbate their distress and potentially have long-term consequences for their emotional development (Cunningham and Baker, 2004; Parke and Clarke-Stewart, 2001). Jose-Kampfner (1995: 92) elaborates on this ‘conspiracy of silence’ and its effect on children.

[They] suffer the consequences of maternal imprisonment every day, for they themselves are sentenced to a ‘forced silence’ that compounds the isolating effects of their treatment in the criminal justice and social service systems. This conspiracy of silence exists in spite of the fact that children need to talk about their feelings in order to overcome the effects of traumatic experiences.

Several of the women said that their children’s schools knew of the situation, but that their friends or those in their class were not told. One of the mothers described how prison continued to be an unspoken conversation post release:

“Even now we don’t speak about it, because I don’t want to make him sad thinking about, you always want to save your kids, protect them, keep them away from all of this” (Ursula, 5 Months Follow Up Post Prison).

Ursula thought she was protecting her son by not discussing her time on remand, however it may have made it worse for him. However when these women and their families do tell others, they may not receive the same level of sympathy that is extended to those experiencing other types of separation (Myers et al., 1999). Unlike children whose parents divorce or pass away when ‘the community often reaches out to provide support in various

ways', the children of incarcerated mothers may feel isolated due to being 'shunned by the community' (Kimbrough-Melton et al., 2011: 9). As previously discussed, whilst Tanya was in prison two of her children suffered exclusion and stigmatisation from other students at school and Marie's daughter saw the press coverage of her mother's imprisonment.

## **6.5 Existing Disadvantages**

As discussed previously, many female prisoners expose their children to a multitude of disadvantages prior to being detained (Cunningham and Baker, 2004; Hoffmann et al., 2010; Kimbrough-Melton et al., 2011; Mackintosh et al., 2006), which will inevitably affect a woman's ability to mother and shape how their children react to the consequences of imprisonment (Mackintosh et al., 2006). Although those interviewed in this research did expose their children to certain levels of disadvantages, it is suggested it was less than in other prison studies. However, many of the mothers seemed to have engaged in a degree of denial, overlooking or minimising pre-existing problems, which may have played a larger role in their children's responses than they suggested or wished to recognise. Their children were made vulnerable as a result of both categories of risk factors and not just 'the loss and instability that the incarceration of their mothers brings' (Greene et al., 2000: 4). A greater understanding of the outcomes of different co-existing risk factors in these children's lives are needed in order to help protect them (Petsch and Rochlen, 2009; Poehlmann, 2005c). Although previous studies have struggled to disentangle cause and effect of pre-existing and prison-based problems (Dallaire, 2007), the experiences of the mothers in this research, together with findings from the existing literature, suggest that a mother's imprisonment caused the most pain, over and above other existing problems. The intensification of these disadvantages may actually negatively affect the child's right to a minimum standard of living (United Nations, 1948).

The group of women interviewed in this research differ from many female prisoners referred to in the existing literature because of their limited criminal histories and the fact that although they exposed their children to certain disadvantages prior to their incarceration they were 'coping' with these problems. This does not mean that they do not share many common characteristics with other women in prisons, but it does help to

explain why the same levels of acute need were not displayed. Although this group struggled with financial problems, mental health, substance misuse and abuse; these issues were often not as problematic as for many other prisoners. Neither did they have major problems with low levels of education and criminality that the literature suggests are likely to negatively affect their children. Many imprisoned women have low levels of education and no qualifications (Home Office, 2001; Poehlmann, 2005c; Singleton et al., 1998), which may negatively affected the educational performance of their children as they are less likely to be provided with an environment that encourages academic achievements (Dubow et al., 2009). However, as previously discussed, low levels of maternal education was not widely reflected in this research<sup>140</sup>. Only 5 out of the 16 mothers interviewed were not provided the opportunity to attend school or left education early, the rest had previously gained qualifications, either GCSEs or NVQs. Low educational attainment and an indifference to academic success was therefore not prevalent in this research and did not appear to be a contributing factor in their children's negative reactions.

The literature also discusses how a mother's criminality can harm children by promoting deviant values and anti-social behaviour and increasing, rather than protecting them from, the risk of future delinquency (Greene et al., 2000). However, although all of the women in the present study were incarcerated for criminal offences their limited criminal histories and non-existent prison records suggest that their children were not exposed to prolific levels of offending that would affect life chances. Most had not come to the attention of social services and where they had their children had not been removed from their care.

#### *6.5.1 Poor Parenting*

A key factor that may have negatively affected the women's children prior to their detention is their own parenting skills as these tend to come 'primarily through experience' (Thompson and Harm, 2000: 63). As a result of their own exposure to problematic parenting practices or high levels of disruption in their childhoods, many incarcerated mothers may not have the tools that the literature suggests are required in order to parent effectively (Dowling and Gardner, 2009; Eddy and Reid, 2001). Difficult childhoods were reported by many (9 of the 16) of the mothers interviewed in this

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<sup>140</sup> However this may be skewed by the fact that the five initially interviewed in prison were recruited through prison education.

research. When describing her own alcohol abuse Donna (6 Months Follow Up Post Prison) discussed her mother's alcoholism.

“She's been drinking since as long as I can remember, I was seven the first time I found my mum passed out on the sofa, foaming at the mouth with an empty bottle of whisky on the floor.”

Others depicted different issues:

“My mum left us when I was three...I was about five when I left my nan's house, and I went back to my mum's, lived with her and my stepfather, he was abusive, verbally, fisty, you know? He was a drinker...I tried to kill myself at seven, I ran in front of a car, I had eating disorders all the way through my teenage years” (Marie, 5 Months Post Prison).

Several of the other mothers were pulled out of education to look after younger family members:

“she (her step-mother) told me I've got two choices, that I leave the house or I stay and look after the kids, at the time I was doing good, doing my final exams” (Debbie, 1 Month Follow Up Post Prison).

“Instead of going to school I was used as an au pair...I'm thinking this is not what you told my parents that I was coming here (from Nigeria) to do, I was coming here to make my life better” (Bryony, 3 Years Post Prison).

At the age of 15 Bryony ran away and financially supported herself by working as a pub porter and educated herself at a local library. This limited exposure to good role models is especially challenging, especially as the level of disruption often continues into adulthood when they are required to provide a nurturing environment for their children (Cunningham and Baker, 2004; O'Brien et al., 2001). Nevertheless, the majority of the mothers had custody of their children prior to their incarceration, and most regained caregiving responsibilities upon release, which resulted in the women feeling that their parenting abilities did not put their children at significant risk.

Imprisoning a mother will, however, inevitably place additional stress on her parenting skills (Eddy and Reid, 2001), and may undermine her confidence in parenting, which may have serious consequences for dependent children during and post-custody. As previously discussed several of the mothers talked about the frustration about being prevented from

dealing with their children's problems from prison. Clear and consistent discipline techniques and monitoring are clearly more difficult to apply when incarcerated mothers must rely on others to continue their parenting roles. Often the women had very little control of the day-to-day management of their children either due to poor relationships with their children's carers or because their children were in care.

#### *6.5.2 Abuse*

Another vulnerability linked to poor parenting techniques and which is widely reported amongst female prisoners, is a history of physical and/or sexual abuse (Myers et al., 1999). However, in contrast to the existing literature, only two mothers in the current study mentioned being the victim of sexual abuse. One was Debbie who did not have custody of her son and as previously discussed spoke about having to provide sex in order to obtain shelter and food as an adult. Although there is a controversial disagreement in the literature as to whether sex workers are victims of abuse (Harding and Hamilton, 2008), due to her failed asylum status Debbie felt her only option to survive was to rely on men who expected sex in return:

“You can't expect to be living under somebody's roof...of course he requests sex and that” (Debbie, Less than 1 Month in Prison).

The other woman was Laura, who had custody of both of her children prior to incarceration. Her son's father sexually assaulted her on several occasions. Johnson and Waldfogel (2002: 7) describe the implications of this: ‘mothers who have been sexually abused themselves exhibit more dependence on their children for emotional caretaking...lower levels of maternal involvement...and more permissive parenting practices...than their non-abused counterparts.’ Consistent with the existing literature (Hoffmann et al., 2010; Petsch and Rochlen, 2009) nearly half of the mothers interviewed had been the victim of violence.

“I had the threat over me of what he said that ‘if he saw me with someone else he'd kill me’, because he wouldn't kill the other person, he'd kill me because if he was inside then he'd know I was dead and I could never be happy” (Louise, 10 Months Follow Up Post Prison).

“I was in an abusive, violent relationship with someone who had borderline personality disorder and I had two and half years of hell...and two weeks

before I left him he pulled me down the stairs and broke my ribs” (Tanya, 5 Years Post Prison).

In addition to causing emotional harm, exposure to violence can affect the suitability of a home for children (Parenting UK, 2012; Stiles, 2002). Six of the mothers interviewed said their children had witnessed and, in some instances had been the victim of such violence.

“He threatened my sons life, he was only 18 months old, he put my head through a glass window. I had to call the police to go and get my son because he had a meat cleaver ‘I’m going to kill him, I’m going to kill myself if you leave.’” (Laura, 20 Months Follow Up Post Prison).

“He wanted to know everywhere I was going, checking my underwear, and then one day he threw a Cup a Soup over me...my youngest came in, and he (her husband) head-butted him...every day after that I had the police there because of fighting” (Bella, 4 Months Follow Up Post Prison).

Tara described her abusive husband’s attempts to intimidate her after she had left him:

“I used to get Barbie dolls through the letterbox with their heads cut off, petrol cans outside my house...My car door was smashed several times” (Tara, 7 Months Post Prison).

It is suggested that although the majority of the mothers reported emotional stability in their children prior to their incarceration, witnessing violence at home is likely to have affected their children and may have added to the harm of the separation. Conversely, by providing women with an opportunity to remove themselves from victimisation it could be argued that prison allows for more stable and nurturing environments for children once the mother is released if she ends the violent relationship. One of the mothers described how much happier her youngest son had been since she had left her abusive husband.

“I did speak to him the other day and said ‘why do you hate your dad so much?’ and he went ‘because of the way he used to hit you and talk to you, I used to go, knowing, dreading what I would come back to...It’s nice knowing I’m not coming back to an argument or fight’” (Bella, 14 Months Follow Up Post Prison).

### *6.5.3 Financial Difficulties*

Many women in prison have high levels of social disadvantage, which is underpinned by financial difficulties (Poehlmann, 2005c; Social Exclusion Unit, 2002). Cho (2009: 11) observed that female prisoners’ children are ‘one of the most disadvantaged groups of



children in the low income population.’ In line with the existing literature (Ministry of Justice, 2007; Murray and Farrington, 2008b) the majority of the children in this research lived in single parent households<sup>141</sup> with mothers who struggled financially. In fact, financial difficulties prior to their arrest was the most commonly shared feature of the women in the present study, with many not being able to pay for their own accommodation and several not being in work. Throughout the interviews many of the mothers described their anxieties about their benefits or lack of entitlement to them, the need to take low paid, irregular cash-in-hand work; and their financial reliance on other people.

Such financial hardship may affect children in a variety of ways, however in contrast to the literature (Lloyd and Rosman, 2005; Petterson and Burke Albers, 2001; Wise et al., 2002) the mothers hardly reported any mental or physical ill-health or lack of cognitive abilities in their children prior to the incarceration. Based on the women’s accounts, this therefore suggests that although the pre-existing financial problems were deleterious, this did not account for the children’s responses to being separated from their mothers. The women felt that they were ‘coping’ before they were detained in custody but ‘struggling’ post-custody. However, the mothers’ lack of financial resources clearly affected their children whilst they were separated, as the cost of travel limited the number of visits to the prison and, because of the informality of the care arrangements, several of the children’s carers were unable to access benefits previously claimed by the mothers.

Although the families’ poor financial status will have affected the children’s quality of life prior to their mother’s incarceration, 13 out of the 16 mothers stated that prison had undoubtedly worsened their money problems. Prison had a tangible effect on the material standards of living of these women. This was demonstrated by Bella who had to borrow money from her daughter after she was released from prison in order to pay accumulated bills; and by Marie who struggled to buy birthday and Christmas presents for her children because of a prioritisation of debts. Several of the mothers said their finances were so tight as a result of custody that they could not afford what they deemed to be essential items for their children. Laura, who previously was gaining qualifications at college, still had to

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<sup>141</sup> The majority of the women in the present study were not in relationships (see Appendix 3).

borrow money from friends a year after her release because she could not juggle child-care, FDAC requirements and employment. Similarly:

“I don’t buy things, only things for the baby, I’m not interested in fashion, but when I receive my child benefits I go and buy her small things, it’s a problem though” (Steph, 13 Months Follow Up Post Prison).

It is evident from the experiences of these women that prison imposes specific financial burdens upon the poor through the accumulation of debt and the imposed reduction in their capacity to find legitimate employment. Most of the mothers (12) in the current study believed that their short sentences had noticeably undermined their ability to provide material support for their children by reducing their job opportunities and, in some instances, depriving them of appropriate accommodation. It is also argued by McLeod and Shanahan (1993: 360) that ‘as the length of time spent in poverty increases, so too do children's feelings of unhappiness, anxiety, and dependence.’ These short periods of incarceration appeared to affect the standard of living of many of the women’s children once they were re-united and arguably may breach their children’s universal human rights (United Nations, 1948). Similarly, the woman’s inability to secure accommodation, again as a result of prison, may breach their children’s right to family life (Children Act, 1989) as the period of separation from their mother is extended.

#### *6.5.4 Mental Ill Health*

There is also a strong correlation between a woman’s poor finances, being single and mental ill-health which according to the World Health Organisation (2011: 11) ‘not only affects a woman’s ability to cope but also affects her family due to the multiplicity of roles mothers perform in caring for their children.’ Many studies have explored the continued harm of women’s mental ill health on their children (Murray et al., 2003; Petterson and Burke Albers, 2001). In keeping with the existing literature, 9 of the 16 mothers interviewed experienced mental ill health, mostly depression, prior to their incarceration (although two of whom said the problems occurred as a result of their arrest). Depressed mothers are said to struggle with crying infants and breastfeeding (Murray et al., 2003), which has implications for their children’s health (Allen and Hector, 2005). They are also generally more hostile, less responsive and competent than non-depressed mothers (Petterson and Burke Albers, 2001). ‘Maternal depression has been identified as one of the

modifiable risk factors adversely affecting the physical, emotional, psychological and intellectual development of children which can extend well into adulthood' (World Health Organisation, 2011: 11).

The existing literature has repeatedly demonstrated the link between maternal depression and internalised and externalised adaptations in their children (Watson et al., 2011). These include depression, fear and anger, all of which the mothers claimed were present in their children but only after she was imprisoned. As previously stated, although nearly half of the children (10 out of 23)<sup>142</sup> in the current research were living with mothers who had mental health issues prior to their arrest, these mothers asserted that their own psychological health had deteriorated as a result of imprisonment. In addition, seven children of mothers<sup>143</sup> who had no history of mental ill health were said to have been negatively affected by their mother's psychological problems that persisted after release. Some of the problems the women discussed were medically diagnosed and subject to medical treatment, but others were not as the mothers did not want to engage with services for fear of triggering punitive consequences. The conditions the women described included depression, panic attacks, nightmares, thoughts of self-harm and suicide, high levels of anger, and discomfort with loud noises or crowds. Although maternal mental ill-health was present in the lives of many of the children prior to the separation, the mother's believed this did not account for their children's levels of depression, fear and anger during and after the incarceration as these emotions did not exist prior to custody. In many cases the women reported that that their mental ill health was worsened or created by their incarceration. This is likely to reduce the level of care provided to their children. The mothers reported it was this as well as other aspects of the separation, which caused the emotions found in children during this research rather than pre-existing mental ill health that was present for some.

#### *6.5.5 Substance Misuse*

A mother's history of drug dependency may also alter how a child reacts to their mother's imprisonment. As discussed in the literature review, many female prisoners have histories

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<sup>142</sup> Belonging to 5 out of the 7 mothers who had pre-existing mental health problems.

<sup>143</sup> Belonging to 6 out of 7 mothers who develop mental health problems as a result of their arrest or custody.

of substance misuse (Poehlmann, 2005c; Trice and Brewster, 2004), which, if they are mothers, will likely affect their parenting abilities (Myers et al., 1999). However, in this study only 5 of the 16 mothers interviewed said they had abused drugs or alcohol prior to their arrest, although a further two had significantly increased their alcohol intake as a result of their arrest. Many women in prison prenatally expose their children to drugs (Johnston, 1995a), which has consequences for their birth weight, behavioural problems and physical health (Johnson and Waldfogel, 2002). Three of the mothers in this current study had prenatally exposed their children to alcohol or drugs. The literature also suggests other ways in which maternal substance misuse may harm children. Intoxication is likely to compromise caregiving quality as it ‘will clearly impair the parent's ability to prepare a meal, ensure the child's clothes are clean, and maintain regular routines for school attendance and bedtimes’ (Dawe et al., 2008: 3). It will also alter their ability to focus entirely on the needs of their children, which may result in neglectful or unstable homes (Johnson and Waldfogel, 2002; Trice and Brewster, 2004). Dalia described how despite her substance addiction she felt that she ensured her children were provided for, which demonstrates the level of denial that some of the women may have been in:

“I made sure I had everything for the kids first, I always had food in the fridge, always had their nappies and everything...when I had the kids I was always focussed on the kids” (Dalia, 11 Months Post Prison).

However, she admitted occasionally spending her benefits on drugs rather than essential household bills, which had left her children without heating at one point. She also admitted being intoxicated whilst caring for her children, and although she initially spoke of her ability to mother effectively during this time, she later described how social workers had altered her opinion and changed her state of denial:

“They say that ‘an addiction’s an addiction, so it doesn’t matter whether you do it in front of your kids or not...you can’t be a mother and have an addiction to drugs’. I suppose it’s true...they can’t fully have my co-operation if I was withdrawing off drugs” (Dalia, 11 Months Post Prison).

The women with addictions found it difficult to acknowledge how this might affect their parenting, however four of the five women with substance dependencies still had full custody of their children prior to their incarceration. This, assuming social services had not failed to intervene when expected levels of care are not achieved, implies that the

addictions were not significantly affecting their children, and did not shape their children's responses to incarceration. For a few of the mothers prison provided a period of detoxification, which allowed them to address their problems, but for other women custody created problems by increasing levels of stress that led to them drinking heavily.

Despite the problems that the women had before they were into custody, most felt that their time in prison had done little if anything to address these issues. In fact they felt that more problems had been created largely to do with their material circumstances that continued to put stress upon them and negatively affect their children.

## **6.6 Conclusion**

This research has demonstrated the variety of ways in which the mothers believed their children were directly affected by their short period of imprisonment. Although most of the children in this research had stable caregiving arrangements during their mother's absence, the high incidence of new caregivers supports the mothers' views that for many children the period of maternal incarceration may have greatly disrupted their 'continuity of care and sense of security' (Hanlon et al., 2007: 350). While some women come to prison with intact families and supportive relationships, many do not. Although some are able to rely on family for the care of their children, these relationships are by no means trouble-free. While some women rely on the state for care of their children, it is clear that for some mothers, this option remains untenable. In short, the resources available to women for the care of their children whilst they are in custody vary widely.

Consistent with the literature the children in this research appeared to react to the custody of their mother through a variety of 'internalising' and 'externalising' adaptations, that commonly cause harms that extend beyond the custodial period and seriously challenge the assumption that short sentences cause only minimal collateral damage. It is an issue that needs to be carefully considered at the time of sentencing. Kimbrough-Melton et al., (2011) suggest that a mother's incarceration is a sign of a family already in crisis. Prior to their mother's detention the children of female prisoners are typically a high-risk, disadvantaged group. Poehlmann (2005) found an increased number of risk factors attached to children of incarcerated mothers compared to those of incarcerated fathers.

However, although the mothers in this research did have pre-existing needs these appeared to be less prevalent and less acute than those found amongst the general female prison population. The continuous custody of their children that most of the women had managed to retain suggests that they were generally coping satisfactorily as parents. In contrast to the existing literature (Kimbrough-Melton et al., 2011; Parke and Clarke-Stewart, 2001; Poehlmann, 2005c), it did not appear that the pre-existing disadvantages could exclusively account for the reactions of the children in this research.

While it may be true that some children benefit from a period of separation from their mothers, and that some women may take advantage of the opportunity to undergo detoxification, or access effective parenting programs, the present research suggests that remarkably few women and their children benefited from such an opportunity. What this study has highlighted is that for women who were previously parenting their children relatively effectively, a period in custody typically worsened their chances of doing so after release. The short period of maternal incarceration created additional risks, which had an independent negative effect upon the lives of the children and appeared to cause more harm than pre-existing deprivations resulting from the material and psychological impoverishment of their mothers.

## **Chapter Seven: Conclusions and Recommendations**

### **7.1 Introduction**

Depriving a person of their liberty is not a decision that the courts make lightly, prison is supposed to be reserved for dangerous and violent, or prolific offenders. Nonetheless, those receiving custodial sentences do not always meet these criteria. This research set out to explore how a group of mothers convicted of non-violent offences that had never been in prison before, reacted to custody and how this continued to affect them after they were released. Previous studies have struggled to separate the impact of imprisonment on a mother and her child from previous periods in custody, however through interviewing first-time prisoners with limited criminal histories, the harms inflicted can be attached to this period of prison alone. Similarly, previous research fails to look extensively at the impact of prison over a longer period of time after release. In this study repeat post-custody interviews have allowed the exploration of the longer-term issues that arose as a result of this first period in prison, and how these changed over time.

Although the women reported most of the pains of incarceration as outlined by Sykes (1958), the harms went further and deeper than this. They described a wide variety of negative consequences to their housing, financial problems, mental and physical health as well as addictions. There is also a long-term impact on their children through both internalised and externalised adaptations that might have important consequences for their mental health as well as their ability to perform in school and employment. This research has demonstrated that the harms inflicted on this group of women extend beyond the length of the initial prison term and have a significant effect on them and their children. Although there were positive outcomes reported, it was found that these do little to outweigh the negative consequences that came from the short sentences, and it is suggested that these positives could be gained while in the community without the requirement of prison.

### **7.2 Disproportionate Punishments**

It was found that both those with and without British citizenship experienced what was often felt to be disproportionate punishments. However, it was not the place to explore the

field of foreign nationals but this research has shown how the consequences are shared by a variety of women. Despite the 13-week rule to protect those in receipt of housing benefits, many of the women were not protected, and lost their previous accommodation and their personal possessions, which continued to be problematic post-release. Instability in housing often affected whether they were able to regain custody of their children and consequently caused further disruption to others. For many of the women the need to declare their conviction, as well as the perceived stigma associated with their offence, prevented them from finding legitimate employment once they had returned to their communities. This represented an additional punishment as many were working prior to their arrest. Unemployment combined with the debts accrued in custody further compounded pre-existing financial problems, in most cases inequality was compounded, this proved to have long-term consequences for the women, again far beyond their incarceration.

There was a high level of psychological harm as a result of their custodial period that, for some, intensified pre-existing problems, and for others was created by their time in prison. There was also significant criticism of the support received from those working in prison. Most were offered anti-depressants but no opportunity to discuss their feelings. The mothers reported a high level of anger and guilt to do with their incarceration, and for all of these women this continued to have repercussions far beyond the short sentence or remand period. Several also reported different triggers in the community that reminded them of their concerns in prison, for them the psychological trauma did not end when they were released. Many also spoke of a deterioration in their physical health as a result of their short period in prison, most of which continued to play out for a long time post-custody. Lastly, for the few that entered prison with pre-existing addictions, little assistance was provided in prison apart from a period of detoxification, and as a result, many of these women continued to struggle with these issues post-custody.

Their role as a mother also played a large part in how a short sentence disproportionately affected these women. Their incarceration also punished their children, as during the short time in prison most children had to have alternative caregivers, often having to move home in order to receive this care. Although the majority of the children were not placed



in care, there were difficulties that arose from co-caring and the adequacy of the care provided, which may have long-term consequences. This level of disruption presented itself in an assortment of responses in the children, from confusion, shame and grief about their mother's incarceration, to fear and anxiety about further separation. There was also anger seen in some of the children, which was often problematic in school. However separating the impact of their mother's imprisonment from pre-existing risk factors in the children's lives has proved problematic and should be investigated further in future research. It is suggested that although through their own vulnerabilities the women had exposed their children to disadvantages prior to incarceration, they felt that prison caused much greater additional harm to their children.

Given the non-violent offences for which the women were convicted, it has been argued that the unintended, morally significant harms that were inflicted on both the mothers and their children were disproportionate and arbitrary. It is suggested that in their current form short sentences are unconscionable because of the uncontrolled nature of the punishment that the women suffer. This punishment is not an intended component of the sentence, and should be addressed because these women's Human Rights, for example Article 25(1) their right to a standard of living, are violated. The European Court of Human Rights has been clear that sentencing should always be proportionate to the seriousness of the offence (Council of Europe, 2008). There needs to be 'a reasonable relationship between the means and the aim sought to be realised', any violation of the mothers' rights has to be proportionate to the social goal that is being pursued (Council of Europe, 2008: 2). It is therefore argued that steps should be taken to reduce the use of short sentences, as the proportionality of a sentence should take account of the impact of the sentence for particular categories of person.

Those interviewed repeatedly described the lack of support during and after custody. However, it is suggested that the compulsory 12 months post-custody supervision for any prison sentence under two years under the Offender Rehabilitation Act (2014) is not the answer. Although potentially helpful in supporting these women, it does little to mitigate the harm and disruption inflicted through a short term of imprisonment. This is especially the case when those who breach their licence conditions can be recalled to prison for two

weeks through additional powers granted to magistrates under section 256AA of the Act (Ministry of Justice, 2014k), which would add to the ‘churn’ of the prison population. This incentive to conform is not rehabilitation, as laid out in the 2014 Act. A key feature of this additional supervision is that low-risk offenders will not be monitored by the probation service, but private and voluntary sector organisations that will bid for contracts (Ministry of Justice, 2013h). The organisations will be financially motivated, through payment by results, and not be regulated in the same way as probation. NAPO (2013: 1) suggested that ‘these plans are untested, uncosted and could put the public at risk...short-term prisoners should be assisted on release but the Minister has completely ignored the expertise and track record of the Probation Service.’ As such there are more appropriate ways to reduce the number and minimise the arbitrary harm that is inflicted on non-violent, non-prolific women entering the prison system for short terms. These will now be explored.

### **7.3 Reducing the Female Prison Population**

The conclusion reached in the research is in line with and found widely in previous studies of women in prison. There are far too many female prisoners serving very short sentences for non-violent offences. This research has shown that even short terms of imprisonment have negative consequences for both the women and their children, and that these continue for significantly longer than the period in custody. Given what is known about problems with children in care or with the disruption of families there should be a very strong justification for imposing sentences that negatively undermine the intentions of other sections of public policy. As such a woman with children should perhaps not be incarcerated if their offence falls below a certain level of seriousness.

However it is not the argument that there should be a categorical removal of mothers from custody. Instead, offences below a certain value should not be imprisonable, this would prevent a large number of female offenders, many of them mothers of young children, from being incarcerated. The reduction of the female prison estate can be achieved through the implementation of any number of the common sense arguments that have been well catalogued in many studies of women’s imprisonment (including Corston, 2007; Hedderman and Gunby, 2013; Lawlor et al., 2008; Prison Reform Trust, 2000). These

include a greater use of women's centres, conditional cautions, suspended sentences and pre-sentence reports<sup>144</sup>. These alternatives will now be briefly discussed, as it is not the intention to rehearse the practical steps that are needed to bring about a smaller female prison population.

Advice and support is available through community organisations and one-stop shops. Rather than treating them as offenders, one-stop shops deal with the women as women or mothers. Through the provision of holistic services, rather than being punished the women learn how to assist themselves (Radcliffe et al., 2013), which can be very cost effective in the long run. However, the issue of getting 'at risk' women involved with groups that could help them with their vulnerabilities could be problematic. Many of the women interviewed in this research conveyed a dislike or distrust of statutory services, so it is suggested the best way of helping them is to encourage them to self-refer.

There needs to be better distribution of information about these organisations so that women voluntarily attend because they want to improve their lives, not necessarily because it is part of a sentence. As such, in order to allow them to learn about the services healthcare professionals (GPs, midwives and community nurses) need to be aware of what is available, as well as more advertising within schools and community centres. Another current issue is that women's centres do not have fixed funding. With better advertising of their services and an increased reliance on their resources there would need to be money allocated to ensure they can deal with requirements of vulnerable, but not necessarily offending, women. The Government need to 'consider the merits of taking an 'invest to save' approach, which could involve diverting some resources from the prison building fund' (House of Commons Justice Committee, 2013: 75).

There could also be a greater use of women's centres as part of a community sentence. In the literature review it was argued that diversion from police stations and the courts for the mentally ill and vulnerable would be appropriate. A large number of women receive cautions, many of which are conditional (529 women received conditional cautions from

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144 Research by Lawlor et al., (2008: 2) has found that there are large savings to be made with women, 'for every £1 invested in support-focused alternatives to prison, £14 worth of social value is generated to women and their children, victims, and society generally over ten years'.

the CPS in 2012<sup>145</sup>). The purpose of a conditional caution is to make somebody address the causes of their offending, for example substance addiction. It is therefore suggested that a condition of such a caution could be to attend a women's centre, where a variety of vulnerabilities could be addressed.

Another suggestion is that if a woman's offending has taken them over the custody threshold, there should be a presumption to have that suspended with the provision to attend a woman's centre, unless there are exceptional circumstances. Likewise, it was previously argued that the UK has signed up to agreements that focus on the importance of considering children when sentencing. In order to assist this there could be a provision for the requirement for a pre-sentence report for a woman if she has not been to prison before. This way the court would be very clear whether there are children involved and the likelihood of the care arrangements for these children.

Due to the severity of their offences, or the persistence of their offending, some women will still need to be incarcerated. However reducing the female prison population will result in a further reduction in the number of prisons in the female estate, exacerbating the geographical isolation and harms of incarceration. Therefore Corston's small residential units need to be implemented. There are examples of good practice of small units within the female YOI estate, for example the Mary Carpenter Unit in Eastwood Park (HM Chief Inspector of Prisons, 2013a). There is also good practice abroad, for example Boronia Pre-Release Centre for Women in Australia and Frondenberg prison in Germany. The Australian unit has places for 70 women and their children up the age of four years old<sup>146</sup>, which prepares the women for their re-entry (Government of Western Australia, 2013). The open unit in Germany has 16 places for women with children up to the age of six years old (Fair, 2009). There is an on site nursery and the women are able to take their children into the nearby town and go to work.

What has not been focussed upon in previous research is how a Restorative Justice approach might provide a solution to the high level of injustice felt by the women

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145 Under the Legal Aid, Sentencing and Punishment of Offenders Act (2012) the police can now issue a Conditional Caution for any offence, excluding Indictable Only Offences and offences involving hate crime and domestic violence.

146 Children under 12 can apply for overnight stays or extended day stays.

interviewed as well as the morally significant harms inflicted upon them. This is in agreement with the previously mentioned recommendation by the Sentencing Guidelines Council (2008: 8) to use 'suitable intervention in the community which provides sufficient restriction (by way of punishment) while addressing the rehabilitation of the offender to prevent future crime.' This will now be explored.

### *7.3.1 A Restorative Justice (RJ) Approach*

What came across in many of the interviews conducted in this research was the high level of injustice that the mothers felt regarding their incarceration. Although the majority admitted that they had offended, there was considerable anger expressed about the way in which they had been dealt with by the criminal justice system, both in relation to the severity of their sentence and the lack of information provided about why incarceration was required. This feeling of injustice stayed with many of the women for a significant time post-custody, which had a detrimental effect on their mental health. It is suggested that these feelings prevented them from addressing the reasons why they offended, what they could do in prison to improve their lives and how their actions prior to their incarceration had exposed their children to risks. Given the high level of psychological harm caused by incarceration, the fact that they are not prolific offenders and that they committed non-violent offences it is suggested that a RJ intervention in the community might be a more appropriate alternative to a short term of imprisonment. This would avoid imposing the collateral damage of a prison sentence, would enable the women to gain a greater understanding of the impact of their offences on their victims and would also allow them to address the level of denial that some of the mothers appeared to be in.

Restorative Justice is 'a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future' (Marshall, 1999: 5). It holds offenders accountable for their actions as well as involving the victims. However currently in England and Wales RJ is predominately used for young offenders. In The Youth Justice and Criminal Evidence Act (1999: Part 1) Referral Orders were introduced. Through these, if a young offender pleads guilty for a first conviction, that would not warrant a custodial sentence, they are referred to a youth offender panel that, with the offender and their parent(s), as well as the victim, if they

attend, draw up a contract which allows the offender to repair some of the harm that they inflicted. There have been positive results from this shift towards restoration, according to the Ministry of Justice (2012a) those who have completed a referral order have significantly lower proven one year reconviction rates than other punishments, including low level community sentences<sup>147</sup>. This is likely to have large financial implications; according Matrix Evidence (2009b) a diversion from community orders to pre-court RJ conferencing schemes for all offenders aged 18-24 sentenced for a non-violent offence in a given year is likely to produce a lifetime cost saving to society of almost £275 million. The initial costs of these schemes are likely to be paid back within one year.

In many countries RJ is not confined to young offenders, but is used for adults; most notably in New Zealand (Ministry of Justice, 2011), Australia (Daly and Hayes, 2001) and Canada (Canadian Resource Centre for Victims of Crime, 2011). There are also examples of good practice with adult offenders in the UK. Research by Shapland et al., (2008) found that in three RJ randomised control trials with adults who committed serious offences, RJ reduced the frequency of re-offending by 27%, leading to £9 savings for every £1 spent. They also reported a correlation between lower re-conviction rates and the offender wanting to meet the victim, the offender's active participation and their positive perception of the use of the conference. To get the most from RJ, an offender has to want to take part and feel remorse for their actions. The results emerging from different RJ schemes are positive, and the Ministry of Justice (2013i) has responded by guaranteeing £29million available to Police and Crime Commissioners and charities to help deliver Restorative Justice over the next three years. Likewise, in the Crime and Courts Act (2013) there is now an opportunity for the courts to defer the passing of sentence to allow for RJ. However, both offender and victim must be willing to participate.

It is suggested that face-to-face, offender-victim conferencing could be extremely beneficial in reducing the number of women receiving short prison sentences for non-violent offences. The Sycamore Program, which is run in several female prisons, is producing positive results (Feasey and Williams, 2009), and it is felt that the same level of

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<sup>147</sup> 35.5% compared to 62.9% for those serving a low level community sentence and 66.0% for those serving a high level community sentence.

understanding and empathy can be created in the community before women need to be incarcerated. RJ may also provide an environment in which the women could be enabled to explore the limits of their own responsibilities, both for their offending and for the consequential harms experienced by their children. Although RJ is deemed to be most productive when there is a direct victim, community members could take on the role of the victim. This may be particularly useful as many women in prison are there for theft against national or multi-national companies rather than an individual. However, again there is a risk of net widening, whereby rather than replacing short sentences RJ might be used as an alternative to community sentences as a result of the attractiveness of a RJ intervention. To prevent this happening there needs to be controls put on sentencers' decision making. It is suggested that women should only be offered the opportunity to engage in a RJ punishment if they have already received other community sentences, and a first short prison sentence is being considered. It needs to be an alternative to prison, and a precursor to a sentence of less than 12 months. The question that arises is how to get Magistrates to use the RJ option instead of prison; in the youth courts it is an automatic referral, and in line with the Crime and Courts Act (2013i) this needs to be available to the Magistrates in adult courts. However unlike for young offenders, it needs to be available for those who may have served previous sentences in the community, and have crossed the custody threshold.

#### **7.4 Methods to Reduce the Harm Inflicted**

If short sentences continue to be used there were a series of issues that were raised by the women in this research that need to be addressed. There should be clear procedures and practices in place to ensure that these unintended and arbitrary harms are minimised and the violation of the women's rights are reduced. These problems could be alleviated somewhat through a series of practical changes and better provision of information.

##### *7.4.1 Preparation for Prison*

This research found that many of the women were not prepared for custody, very few had accepted the reality of their situation and warned their children about the separation. For several of the mothers, shame prevented them pre-warning their children about the possibility of separation. The question is how to deal with this state of denial and shame

and whether there is a preferred approach regarding what children are told. It would seem as though there is no definitive method of dealing with it, but the research suggests there are ways that should be avoided, and this sort of advice should be given to the women by their legal advisors prior to sentencing, not dealt with once they are incarcerated. Future research should look at this issue of maternal shame and how this can be reduced in order to allow for the protection of their children.

For many of the mothers the greatest harm caused initially by their detention was that they had not prepared their children for the separation. It is suggested that a preferred solution for non-violent first-time prisoners could be to delay a short period of imprisonment by 24 hours to enable the mother to make better arrangements and to speak to her children in person before the separation takes place. This would both reduce the anxiety for the women, as they know adequate arrangements have been made, but also prevent the child having to deal with the unexpected separation that appeared to cause such problems for the children in this research. First-time prisoners should also be provided with a transcription from the court as to why prison was deemed necessary, which may help reduce the feeling of injustice.

#### *7.4.2 Protection of Housing*

The loss of housing, and the way in which this affects a woman's ability to regain custody of her children was found to be a major harm for those interviewed. The deprivation of accommodation makes these punishments disproportionate. It is known that many women in prison are at risk of losing their home, as private rentals cannot be paid if women are removed from employment and if those in receipt of housing benefits go over the 13-week rule. As such, these are not unintended consequences, but often a reality.

Therefore there should be some official recognition of the importance of maintaining a home and a greater protection of tenancies for all women experiencing prison for the first time. A way in which this could be done is through the provision of financial assistance through either a grant or a low interest loan. This would help to reduce the number of women, and therefore mothers coming out of prison, with unstable or unsuitable housing. It would also reduce the number returning to their communities with debts that may have



significant consequences for both their psychological well-being as well as the suitability of a home provided for their children.

#### *7.4.3 Tailored Education*

It is suggested that the delivery of interventions in prison need to be significantly sped up so that even those in prison for the shortest of times, either on sentence or remand, can benefit from the time in custody, rather than being left in limbo. With the knowledge of the importance of education and employment for reducing re-offending rates, there should be a development of tailored programmes. Given the short time in custody, it may not be possible to equip them with qualifications, but there should be a focus on basic skills.

It was previously suggested that rather than six-week courses, there should be opportunities to attend day or half-day courses in DIY or home economics, both of which would potentially increase their confidence and allow them to provide better homes for their children. Several of the women interviewed described peer learning, and it is suggested that this might be a good way of providing education in a short space of time. Teachers could take advantage of the knowledge of existing prisoners; for instance, those with an extensive knowledge of cooking or DIY could volunteer to teach small groups. This may also encourage the creation of friendship in a supported and positive environment, which may help to alleviate the harms felt in custody.

#### *7.4.4 Improved Healthcare*

It is known from both existing, and this present research, that prison is often a very damaging place for women, who are commonly released with complex issues. If an offence, or combination of offences, warrants a period of incarceration there needs to be some accountability for the psychological harm that is inflicted and efforts made to significantly reduce this pain. Although the provision of anti-depressants may reduce this harm, it needs to be combined with the provision of counselling and methods which enable women to talk freely about their emotions and for those in prison to take advantage of the amount of time prisoners have to think and self-reflect. There needs to be a more continuous assessment of mental health needs provided in prison.

Likewise, women enter prison with a variety of physical health needs. Those working in prison need to set a series of benchmark standards for the improvement of prisoners' health rather than presiding over a period of deterioration. Prison healthcare systems need to adapt to these needs and work closer with healthcare provisions in the community so there can be a continuity of care provided, and reduced delays in receiving pre-existing medication. This greater communication would allow for consistency in healthcare as well as reduce the anxiety related to this care while the women are in custody.

#### *7.4.5 Support for Alternative Caregivers*

Although the majority of the children in this research were looked after by family and friends during their mother's absence, there were issues raised about the standard of care they were provided. Currently there is no method for attaining information about caregiving arrangements, and it is suggested that a distrust of authority might prevent this happening. However what came across in the interviews was the lack of financial and emotional support given to these new carers while the women were in prison. This needs to be addressed in order to provide the highest level of protection for the children, and more resources need to be made available to help first-time prisoners in particular, whose children may need more support as they may be exposed to the separation for the first time.

Future research should focus on two aspects related to alternative caregiving. It should examine the true level of support and advice that informal carers receive while women are incarcerated and how this can be better tailored for first-time prisoners. It also needs to investigate what effective methods can be put in place for children dealing with trauma and sudden separation in a short space of time, and how caregivers can support them through this.

#### *7.4.6 New Technology*

Finally, visits, telephone calls and letters have long been cited as ways children can communicate with their mothers, however these are often inhibited because of cost, which has the potential to cause harm to both mother and child. It has been argued that when dealt with correctly visits should be encouraged, as it allows for the maintenance of

contact but also for the mothers to be alerted to problems with their children. Family days, in particular, should be extended as these were positively viewed by the mother who experienced them. These should be made more regular within each prison, they should be available for children of all ages and there should be financial assistance for first-time prisoners in order to enable their children to take part.

However, there are alternative, cost-effective forms of contact that use technology. One such method that has been developed is storybook mums<sup>148</sup>, where parents record a story on to a CD for the child to listen to over and over again (Storybook dads, 2014). One mother mentioned doing this and she felt it played an important part in minimising the harm to her children. Something that none of the mothers used was the emailprisoner (2012) service that many of the prisons now advertise. This would appear to be an efficient and cost effective way for women to communicate more regularly with their children. Although some of the women interviewed knew of the service none had used it, primarily due to a lack of information provided. Another inexpensive form of contact could be to allow prisoners to use Skype, which is a service that uses the Internet to allow free computer-to-computer calls. However so far this has been blocked by a resistance to allow prisoners internet access and because ‘most prisoners are placed at the far end of the digital divide’ (Champion and Edgar, 2013: iii).

Although it has been argued that short prison sentences should be significantly reduced through a variety of alternative measures, if they continue to be deemed necessary by the courts the implementation of any of these suggestions would greatly reduce the harms that short terms of imprisonment have on mothers and make the punishment more proportionate to the original offence.

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148 This originated from storybook dads.

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**Interviews:**

Bella. Mother of 2 Dependant Children, Interview in the Community 1 Month Post Prison. July 2011.  
Bella. Mother of 2 Dependant Children, Interview in the Community 4 Months Follow Up Post Prison. October 2011.  
Bella. Mother of 2 Dependant Children, Interview in the Community 14 Months Follow Up Post Prison. July 2012.  
Bryony. Mother of 1 Dependant Child, Interview In the Community 3 Years Post Prison. January 2012.  
Dalia. Mother of 2 Dependant Children, Interview in the community 11 Months Post Prison. October 2012.  
Danielle. Mother of 1 Dependant Child, Interview In the Community 8 Months Post Prison. August 2011.  
Debbie. 1 Non-Dependant Child, Interview in the Community 1 Month Follow Up Post Prison. January 2012.  
Debbie. 1 Non-Dependant Child, Interview Less that 1 Month in Prison. December 2011.  
Donna. Mother of 1 Non Dependant Child, Interview In the Community 1 Month Post Prison. January 2012.  
Donna. Mother of 1 Non Dependant Child, Text Message 2 Months Post Prison. February 2012.  
Donna. Mother of 1 Non Dependant Child, Telephone Call 5 Months Post Prison. May 2012.  
Donna. Mother of 1 Non Dependant Child, Interview In The Community 6 Months Follow Up Post Prison. July 2012.  
Donna. Mother of 1 Non Dependant Child, Interview In The Community 9 Months Follow Up Post Prison. November 2012.  
Laura. Mother of 2 Dependant Children, Interview in the Community 1 Month Post Prison. July 2011.  
Laura. Mother of 2 Dependant Children, Interview in the Community 12 Months Follow Up Post Prison. May 2012.  
Laura. Mother of 2 Dependant Children, Interview in the Community 20 Months Follow Up Post Prison. Feburary 2013.  
Louise. Mother of 1 Non-Depenant Child, Interview in the Community 1 Month Follow Up Post Prison. February 2012.  
Louise. Mother of 1 Non-Depenant Child, Interview 3 Months in Prison. December 2011.  
Louise. Mother of 1 Non-Depenant Child, Interview in the Community 10 Months Follow Up Post Prison. November 2012.  
Lydia. Daughter of Mother of 2 Dependant Children, Interview in the Community 1 Month after Mothers Release. July 2011.  
Lydia. Daughter of Mother of 2 Dependant Children, Interview in the Community 14 Months Follow Up after Mothers Release July 2012.  
Maggie. Mother of 1 Dependant Child, Interview 1 Month in Prison. December 2011.  
Maggie. Mother of 1 Dependant Child, Letter 2 Months in Prison. January 2012.  
Maggie. Mother of 1 Dependant Child, Interview in the Community 9 Months Follow Up Post Prison. November 2012.  
Marie. Mother of 2 Dependant Children, Interview in the Community 5 Months Post Prison. October 2012.  
Marie. Mother of 2 Dependant Children, Interview in the Community 9 Months Follow Up Post Prison. Feburary 2013.  
Natasha. 1 Non-Dependant Child, Interview in the Community 2 Years Post Prison. July 2011.  
Steph. Mother of 1 Dependant Child, Interview in the Community 7 Months Post Prison. September 2011.  
Steph. Mother of 1 Dependant Child, Interview in the Community 13 Months Follow Up Post Prison. March 2012.  
Tanya. Mother of 3 Dependant Children, Interview in the Community 5 Years Post Prison. September 2012.  
Tara. Mother of 4 Dependant Children, Interview in the Community 7 Months Post Prison. October 2012.  
Tara. Mother of 4 dependant Children, Interview in the Community 13 Months Follow Up Post Prison. April 2013.  
Una. Mother of 2 dependant Children, Interview in the Community 1 Month Follow Up Post Prison. April 2012.  
Una. Mother of 2 dependant Children, Text Message 5 Months Post Prison. August 2012.  
Una. Mother of 2 dependant Children, Interview Less than 1 Month in Prison. December 2011.  
Ursula. Mother of 1 Dependant Child, Interview 1 Month in Prison. December 2011.  
Ursula. Mother of 1 Dependant Child, Letter 2 Months in Prison. January 2012.  
Ursula. Mother of 1 Dependant Child, Interview in the Community 5 Months Follow Up Post Prison. September 2012.

## Appendices

### Appendix 1: Initial Interview Schedule



Hello, thank you for coming.

As you know you've been asked to take part in this interview because you're a mother who has recently served a first prison sentence of less than 12 months, and my research is looking at whether there is any long lasting impact on mothers serving these sentences.

I'm really very grateful to you for taking part, and for giving up your time. I want to say again that this research has nothing to do with the prison service or probation or social services, and any information that you tell me will always be treated confidentially.

The questions I will be asking involve how your life has been affected by your prison sentence. However if at any time you're uncomfortable with any of the questions or want to stop the interview for any reason, please just let me know. There won't be any repercussions of this, so don't worry about that.

It mentioned in the information sheet that you've been given and read, or we've read through together, you will receive a £5 love to shop shopping voucher for participating, this can be spent at many high street stores.

If you are willing I'd also like to re-interview you at some point to see how you're feeling about being back in the community. I will of course reimburse you for giving up your time again in the same way but its up to you to decide to take part.

**Are you happy to proceed?**

**1. DEMOGRAPHICS**

Age	
Ethnicity	
Marital status	
Number of Children and their age(s)	
Prison	

**2. PRISON SENTENCE**

How long was your sentence?	
When were you released?	
Did you feel that this was a fair sentence? <i>Prompt - Why/Why not?</i>	
Did you think you would get a prison sentence? If so, did you think it would be ( <i>cite current length</i> )?	
Were you expected a different sentence? <i>Different length?</i>	
Would you have preferred to receive a community sentence? For example high tariff alternatives i.e. long period of supervision, 300 hrs unpaid work? <i>Why / Why not?</i>	
Did you go to any other prisons for this sentence?	
Would you have rather gone to another prison? <i>Which ones? Why?</i>	

**3. INDEX OFFENCE – Is it okay if we now talk about why you went to prison?**

What were you sentenced for?	
Is it okay to tell me a bit more about that, what happened?	
What do you feel are/were the main reasons behind that?	
Were you previously on remand or were you able to stay at home before you were sentenced?	
If yes, what was it like? How long were you remanded?	

**4. PREVIOUS EXPERIENCE OF COMMUNITY SENTENCES**

Have you previously had a community sentence?	
If yes, how many times have you had a community sentence?	
What type were they and what length?	
What conditions had to be met? <i>Did you have to see your probation officer?</i> <i>Did you have community service?</i>	
What was your experience of these previous sentences?	
To what extent were your needs addressed during these? <i>Did you attend any courses?</i>	
To what extent did these sentences help you to reduce your offending behaviour?	
What were these like compared to this prison sentence?	

## 5. HOUSING

<p>What were your home circumstances when you received this sentence? Were you living with anyone?          Parents/friend/partner          Did you have your own flat?</p> <p><i>Were you with your family? Parent? Did you have your own flat? A council house? Couch surfing or homeless? Hostel?</i></p> <p>If they had own accommodation, what happened to this while you were in prison?</p> <p>Did you go back to this accommodation? If not why?</p>	
<p>If yes to own home, has anyone looked after your flat whilst you have been in prison? Was the rent up to date or did you have to pay any arrears?</p> <p>Do you think you would need any help with accommodation when you are released? What kind of help?          Did you ask for any help with housing needs or has the prison offered any assessment of housing needs while in prison?  <i>Did they helped you keep your flat/house?</i></p> <p>If yes, what has your experience of these services been?</p>	
<p>What was arranged for your release?</p>	

## 6. CHILDREN'S NEEDS

<p>If you were living with a partner what happened to where they lived while you were away?</p> <p>Were they able to support themselves while you were away?</p> <p>How did they feel about you being away?</p> <p>Did you speak to them on the phone? Did you see them for visits? How often?</p> <p>How far away do they live from the prison?</p>	
<p>Do any of your children normally live with you?</p> <p>If no, who do they live with?  <i>Partner, grandparent, in foster care, adopted?</i></p> <p>If yes, what happened to where they live while you were away?  <i>Who looked after them while you were away? Partner, grandparent, in foster care?</i></p> <p>Were they told why you were away?          How did they feel about you being away?</p> <p>Did you speak to them on the phone? Did you see them for visits? <i>Who brings them in for visits?</i></p> <p>How far away did they live from prison?</p>	

<p>If previously lived with children: Did you plan to live with your children again when you are released? Did you anticipate any difficulties in doing this? <i>If appropriate, will you regain custody of them?</i></p>	
<p>Did you ask for any help with family needs, or did the prison offer any assessment of family and children needs while in prison? <i>Did they help you keep in contact?</i> <i>Did they help you regain custody of them?</i></p> <p>What were your experiences of these services?</p>	
<p>Has this separation in prison affected your relationship with your children? Parents? Partner?</p> <p>Did you think it would have an affect on your relationship with them when you were released?</p> <p><i>Do you think there has been any impact on them with you being away?</i></p>	

## 7. PHYSICAL AND MENTAL HEALTH

<p>How was your physical health before coming into prison?</p> <p>Do you think going into prison has had any effect on your health? <i>Were you able to see the nurse?</i></p> <p>Have you ever experienced any mental health problems? <i>As a child/adult</i> If yes, what treatment did you have? <i>In-patient/out-patient/GP counselling/medication</i> Before coming into prison were you receiving any treatment? Are you currently taking any medication?</p> <p>Have you ever self-harmed? Has this sentence had any impact on your mental health?</p> <p>Did you self-harm since while in prison? If yes, what happened? <i>Was this as a response to the sentence or other things in your life?</i></p> <p>If no, did you feel like doing it? If yes, what stopped you? <i>If appropriate. Have you ever wanted to end your life?</i></p> <p>If yes, have you previously received any help for this?</p> <p>Did you ask for any help with this or did the prison provide any assessment of mental and physical health?</p> <p>What issues were identified? What was your experience of these services?</p>	
<p>Was anything put into place for your release?</p> <p>Do you think this sentence will have any long-term impact on your health? <i>If yes, what?</i></p>	

## 8. SUBSTANCE MISUSE

<p>Do you have any drug or alcohol issues? Have you had any help with this before coming to prison? If yes, what help?</p> <p>Has this sentence had any impact on this substance misuse? <i>Negative or positive</i></p> <p>Did you had any help with this while in prison? CARATs/ accredited programme/ drug-free wing</p> <p>Did you ask for this or was it offered to you? <i>Were you able to see the nurse?</i> <i>Did you ask for any help with this or did the prison provided any assessment of substance needs while in prison?</i></p> <p>What was your experience of these services? Was anything been put into place for when you are released?</p> <p>Have drugs been a problem for you when were released? <i>What do you think would help you deal with this?</i></p> <p>Did you think alcohol would be a problem for you when you were released? <i>What do you think would help you deal with this?</i></p> <p>Do you think this sentence has impacted your substance problems for a short or long term?</p>	
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## 9. DEBT PROBLEMS

<p>Did you have any financial or debt problems before going to prison? Did you have any help or advice?</p> <p>Did the sentence have any impact on these problems? <i>Negative or positive</i> <i>Were you able to speak to anybody in prison about this?</i></p> <p>Since going to prison have you had any financial or debt problems? Have you had any help on how to deal with it?</p> <p>What were your experiences of these services?</p> <p>Were you previously receiving benefits? <i>If yes, which ones? Housing, unemployment?</i></p> <p>What happened to them while you were away? What was put into place for your release?</p> <p>Do you think this sentence has impacted your debt problems for a short or long term?</p>	
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## 10. EDUCATION & EMPLOYMENT

<p>Do you have any qualifications? <i>GCSEs, NVQs?</i></p> <p>Did you discuss getting some more qualifications with</p>	
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<p>anyone in the prison? <i>Did the prison help you with this?</i></p>	
<p>(If not on unemployment benefits see 10. Debt Problems), were you working before you came to prison?</p> <p>If yes, as what? <i>What did this involve?</i></p>	
<p>If previously employed, were you able to go back to that when you were released?</p> <p>If not returning to same job or no previous job, did you hope to get a job when you were released? If yes, did you think you would have any difficulties in finding a job? If not, why not? what were your plans for when you were released? <i>Did the prison help you with this?</i></p> <p>Do you think this sentence has impacted your employment opportunities for a short or long term?</p>	

## 11. CHILDHOOD

<p>When you were a child who did you: live with both your parents?</p> <p>Did you spend any time in Care? How old were you? <i>With your family, parents, siblings, grandparents? In a carehome? By yourself?</i></p> <p>Did you enjoy this or would you have preferred to live somewhere else or with somebody else?</p> <p>When did you leave this accommodation?</p> <p>When did you leave school? How old were you when you left school? <i>Before 16/min.age/over min age</i></p> <p>Did you get any qualifications? <i>GCSE's, A-levels, NVQs?</i></p> <p>Did you ask for any help with this or did the prison provided any assessment of educational needs while in prison? <i>What was your experience of these services?</i></p> <p>Was anything put into place for when you were released?</p>	
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## 12. So if it's okay I'd like to talk about the day-to-day reality of serving a short prison sentence?

<p>What did you normally do each day? <i>Did you work, go to education, socialise or stay in your room?</i></p> <p>Did you attend any education classes/training programmes/alcohol or drugs programmes?</p> <p>Did you applied for any and were you on a waiting list?</p> <p>Ideally, is there any kind of programme that you could have done in prison that would help you when you were released?</p>	
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What do feel about your imprisonment? <i>Any long lasting impact, put you off offending?</i>	
How motivated did you feel to address your needs or risk of reoffending while in prison?  What do you think are the biggest problems you face in avoiding reoffending?  Do you think you are more or less likely to offend as a result of this sentence?	
What are the positives of this sentence?	

**13. What were you most looking forward to when you were released?**

*Home, partner, children?*

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**14. What were you most concerned about when you were released?**

*Accommodation, custody of children, money, job?*

--

**15. What support networks were available to you when you were released?**

*Is there anybody in the community that helped you? Family, voluntary organisations, probation officer?*

*What was your experience of these services?*

--

**16. If appropriate, what do you think would help to reduce your likelihood of reoffending?**

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**17. SINCE RELEASE**

Do you think any of these issues will be an issue over a longer period of time, for example in 3-6 months?	
Were there any issues that you didn't anticipate?	
Is there anything else that has been impacted that I haven't asked you, or something you'd like to talk about more?	

Thank you again for taking part, it has been really helpful, and it was lovely to speak to you, hopefully you have not been uncomfortable talking to me. Please feel free to contact me on the details on your information sheet if you have any questions.

As I mentioned at the start I'd really like to speak to you when you are released to see whether there is any longer term impact as a result of this sentence. Obviously you would be reimbursed for your time, would you consider taking part? What would be the best way of contacting you?

Contact details:

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**ARE YOU A MOTHER  
SERVING YOUR FIRST SHORT PRISON SENTENCE  
(OF LESS THAN 12 MONTHS)?**

**WOULD YOU LIKE TO TELL YOUR STORY?**

I am a female PhD student researching how short prison sentences negatively impact mothers and their children.

I would like to interview any mothers who are serving a first prison sentence of less than 12 months.

All information provided will be completely anonymous and confidential.

It is important to hear your voice, I want people to hear your story, and learn how prison impacts you and your family.

**PLEASE CONTACT ISLA MASSON FOR MORE DETAILS:**



**REC REFERENCE NUMBER:  
SSHL/10/11-16**



### Appendix 3: The 16 Mothers Prior to Their Arrest

Pseudonym (Age)	Ethnicity & Marital Status	Time served (Sentence/Remand)	Offence (Previous convictions)	No. of children under 18 (Age yrs)	Pre-existing disadvantages	Employed prior to arrest	Number of interviews
1 Bella 40	White British Separated	74/90 days (S)	Non-payment of council tax (0)	2 – Sole carer (15 & 17)	Physical health, debt and abuse	Cleaner	3: 1m, 4m & 14m PC
2 Laura 44	Greek British Divorced	3/6 weeks (S)	Breach of order (1)	2 – Sole carer (2 & 15)	Housing, mental & physical health, alcohol and abuse	No	3: 1m, 12m & 20m PC
3 Natasha 25	White British Single	27 day (R)	Theft from shop (2)	0 – lost custody of son (1)	Housing, mental & physical health and drugs	No	1: 2y PC
4 Danielle 36	Black British Divorced	2/6 months (S)	Theft from shop (0)	1 – Sole carer (7)	-	Administrator	1: 8m PC
5 Steph 30	Black African Single	3/8 months (S)	Theft from shop (0)	1 – Sole carer (<1)	Housing	Hairstresser	2: 7m & 13m PC
6 Debbie 27	Black African Single	1/2 months (S)	Breach of order (1)	0 – lost custody of son (8)	Housing, financial problems, mental health, abuse and immigration	No	2: 1m IC & 1m PC
7 Ursula 47	Bulgarian Divorced	6/12 months (spent on R)	Benefit fraud (0)	1 – Sole carer (17)	Housing	Cleaner	2: 1m IC & 4m PC
8 Maggie 41	White British Divorced – New partnership	2.5/6months (S)	Theft from work (1)	1 – joint carer (17)	Physical health	Nurse	2: 1m IC & 9m PC
9 Louise 36	Black African Single	4/8 months (spent on remand)	False passport (0)	0 – lost custody of daughter (17)	Mental health (at arrest), physical health, alcohol, abuse and immigration	Waitress	3: 3m IC, 1m & 10m PC
10 Una 51	White British Divorced – New partnership	3/8 months (S)	Underestimated earnings (0)	2 – (13 & 15)	Alcohol (at arrest)	Wholesaler	2: <1M IC & 1m PC
11 Bryony 32	Black African Single	135 day (R)	False passport (0)	1 – Sole carer (<1)	Immigration	Cleaner	1: 3y PC
12 Donna 33	White British Single	3/6 months (S)	Theft from shop (2)	1 – Sole carer (14)	Mental health, debt and drugs & alcohol	Cleaner	3: 1m, 6m, 9m PC
13 Tanya 42	White British Single	5/12 months (S)	Handling stolen goods (0)	3 – (11, 13 & 15)	Mental health, alcohol (at arrest) and abuse	Care assistant	1: 5y PC
14 Tara 32	British Bangladeshi Divorced	5/10 months (S)	Handling stolen goods (0)	4 – Sole carer (6, 11, 12, 15)	Mental health (at arrest) and abuse	Administrator	2: 7m & 13m PC
15 Marie 42	White British Divorced	3.5/8 months (S)	Theft from work (0)	2 – Sole carer (9 & 12)	Mental health, debt & gambling	Receptionist	2: 5m & 9m PC
16 Dalia 25	White British Single	2.5/6months (S)	Breach of order (2)	2 – Sole carer (1 & 3)	Mental health, debt & drugs	No	1: 8m PC

#### Appendix 4: The 5 Mothers Removed From the Sample

<b>Pseudonym (Age)</b>	Mary 37	Gina 45	Fiona 32	Una 30	Hilary 29
<b>Ethnicity &amp; Marital Status</b>	Black African single	Black African single	White British divorced	Black African divorced	White British single
<b>Sentence Length</b>	3months	8months	Remand	Remand	4months
<b>Offence &amp; Previous Convictions</b>	False passport (0)	Theft from work (0)	Theft (2)	False passport (0)	Theft (1)
<b>No. of children under 18 (Age yrs)</b>	<1 & 16	10 & 12	5, 7 & 11	1 & pregnant	6, 7 & 9
<b>Pre-existing disadvantages</b>	Immigration, finances	Finances	Housing, finances, drugs & education	Finances, education & immigration	Finances
<b>Employed prior to arrest</b>	Cleaner	Careworker	-	-	School cook
<b>Pre-existing disadvantages worsened by prison</b>	Housing & employment	Finances	Housing and finances	Finances & Immigration	Housing & employment
<b>Problems caused by prison</b>	Housing & physical and mental health	Physical and mental health	Mental health	Physical and mental health	Mental health
<b>Problems from prison</b>	Education and new friends	Education	Education	Food & church	Education
<b>Who looked after children (at Home/New Home)</b>	Cousin (NH)	Father (H)	Sister (NH)	Sister (H)	Father (NH)
<b>Problems with children</b>	Sadness	Sadness & anger	They do not know	-	Sadness

## Appendix 5: Information Sheet and Consent Form

### INFORMATION SHEET FOR PARTICIPANTS

REC Reference Number: **SSHL/10/11-16**



#### The Impact of Short Periods of Imprisonment on Women

You are invited to participate in some postgraduate research project. You should only participate if you want to; choosing not to take part will not disadvantage you in any way. Please take time to read the following information and please ask any questions.

You have been approached because you're a mother who has recently served a first prison sentence of less than 12 months. This interview should last no more than an hour, but it depends on how much you say.

This research is being conducted to see where there is a long-term impact of short periods of imprisonment for women and their families. You will be asked about whether prison has impacted any issues in your life. With your help this information will be published in a thesis, and improve the way people in similar situations to you are affected by imprisonment.

This research is not being conducted by prison or probation. All your personal information will be anonymised, so that nobody can see what you have said, your name will not be attached to any forms. You will receive a unique code that only the researcher can see. All information and personal details will be confidential and will never be disclosed. The researcher will not discuss the contents of the interview with anybody unless they are worried that somebody may be at risk. All information will be held in secure storage facilities that only the researcher can access.

If at any time you feel uncomfortable please ask to end the interview, or to move onto another question. This interview will be audio recorded, if you wish for it to not be recorded the researcher will write down your responses.

If you are willing follow up interviews will be conducted in several months time. Again this should last no more than two hours.

Please take this information sheet away with you if you decide to participate, or if you wish to consider whether you would like to participate at a later time or date. You can contact King's College using the details below for further advice and information.

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**07852110374**

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School of Law

King's College London

Strand

WC2R 2LS

It is up to you to decide whether to take part or not. If you decide to take part you are still free to withdraw at any time and without giving a reason, however you cannot withdraw after the data has been collected and analysed in June 2012.

## CONSENT FORM FOR PARTICIPANTS IN RESEARCH STUDIES



Please complete this form after you have read the Information Sheet and/or listened to an explanation about the research.

Title of Study: The Impact of Short Periods of Imprisonment on Women

King's College Research Ethics Committee Ref: SSHL/10/11-16

Thank you for considering taking part in this research. The person organising the research must explain the project to you before you agree to take part. If you have any questions arising from the Information Sheet or explanation already given to you, please ask the researcher before you decide whether to join in. You will be given a copy of this Consent Form to keep and refer to at any time.

Please tick  
or initial

• I understand that if I decide at any time during the research that I no longer wish to participate in this project, I can notify the researchers involved and withdraw from it immediately without giving any reason. Furthermore, I understand that I will be able to withdraw my data up to the point of publication.

☐

• I consent to the processing of my personal information for the purposes explained to me. I understand that such information will be handled in accordance with the terms of the Data Protection Act 1998.

☐

• I consent to my interview being recorded.

☐

Participant's Statement:

I (name or nickname) \_\_\_\_\_ agree that the research project named above has been explained to me to my satisfaction and I agree to take part in the study. I have read both the notes written above and the Information Sheet about the project, and understand what the research study involves.

Signed

Date

Interviewer's Statement:

I \_\_\_\_\_ confirm that I have carefully explained the nature, demands and any foreseeable risks (where applicable) of the proposed research to the participant.

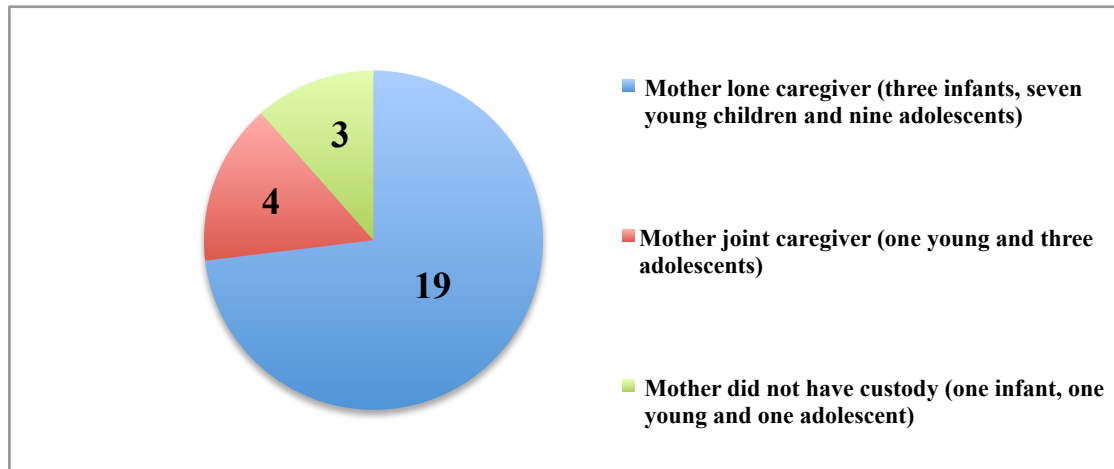
Signed

Date

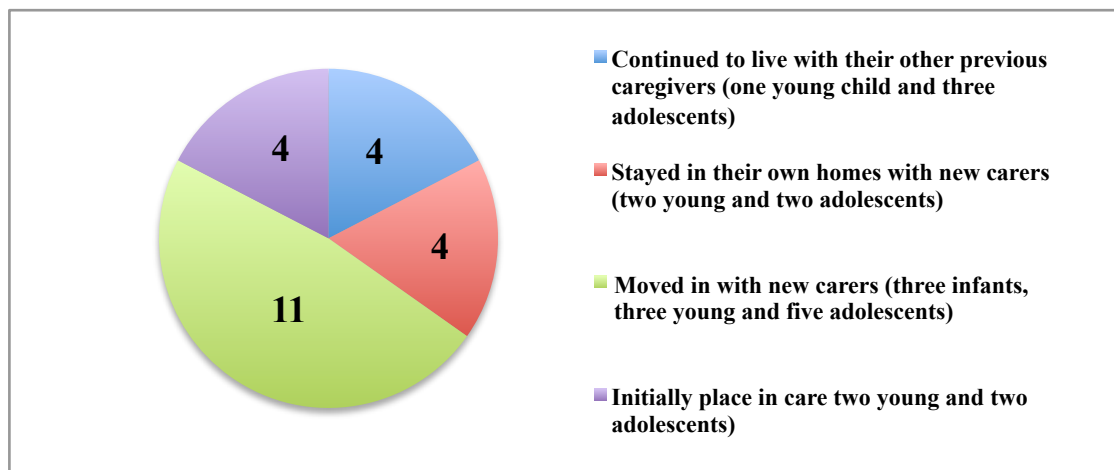
## Appendix 6: The 16 Mothers After Their Incarceration

	Pseudonym	Time served (Sentence/Remand)	Pre-existing disadvantages worsened by prison	Problems caused by prison	Age of dependant children	Who looked after children (at Home/New Home)	Problems with children
1	Bella	74/90 days (S)	Physical health and debt	Mental health	15 & 17	Father (H)	Fear, sadness, school
2	Laura	3/6 weeks (S)	Mental & physical health and alcohol	Employment and financial problems	2 & 15	Aunt (H) & Father (NH)	Sadness, anger
3	Natasha	27 day (R)	Mental health	-	-	-	-
4	Danielle	2/6 months (S)	-	Employment, debt and mental health	7	Aunt (H)	Confusion, anger, protection
5	Steph	3/8 months (S)	Housing	Employment, financial problems and mental & physical health	<1	Father (H) then MBU	Fear, speech
6	Debbie	1/2 months (S)	-	-	-	-	-
7	Ursula	6/12 months (spent on remand)	-	Employment, financial problems and mental & physical health	17	Family Friend (H)	Education
8	Maggie	2.5/6months (S)	-	-	17	Mother's Partner (H)	Anger, alcohol
9	Louise	4/8 months (spent on R)	Mental & physical health and alcohol	Housing, employment and debt	-	-	-
10	Una	3/8 months (S)	-	Mental health and financial problems	13 & 15	Mother's Partner (H)	-
11	Bryony	135 day (R)	-	Housing, employment, debt and physical health	<1	Family Friend (NH)	Fear
12	Donna	3/6 months (S)	Debt and mental health	Housing, employment and physical health	14	Care then grandmother (NH)	Anger
13	Tanya	5/12 months (S)	Mental health	Housing, employment and debt	11, 13 & 15	x1 Father (NH) & x2 Aunt (NH)	School, anger, offending
14	Tara	5/10 months (S)	Mental health	Housing, employment and financial problems	6, 12, 11 & 15	x2 Care, x1 Care then father (NH) and Father (NH)	Shame
15	Marie	3.5/8 months (S)	Mental health and debt	Housing and employment	9 & 12	Father (NH)	Fear, sadness, protection
16	Dalia	2.5/6months (S)	Mental health	-	1 & 3	Grandparents (NH)	-

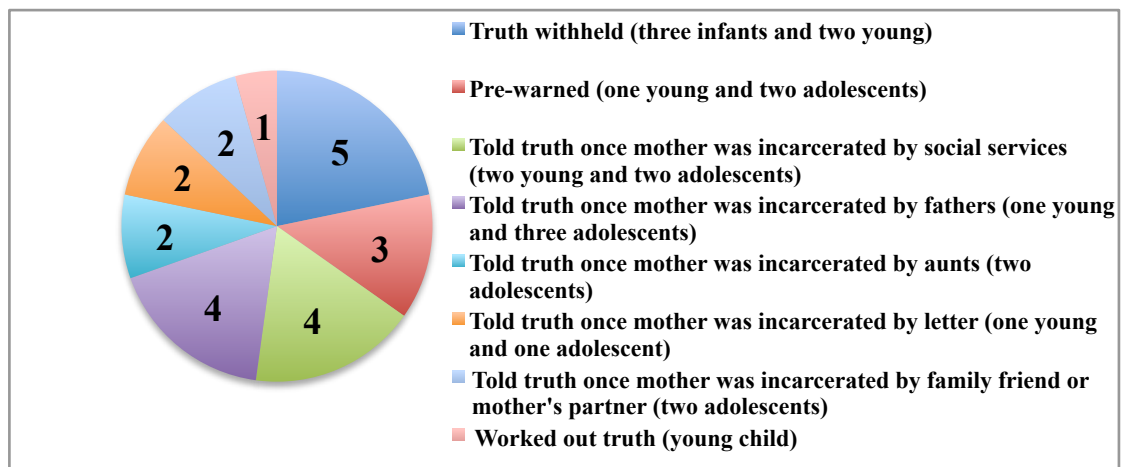
### Appendix 7: Living Arrangements of 26 Children Prior to Their Mothers' Arrest



### Appendix 8: Living Arrangements of 23 Dependent Children During Their Mothers' Imprisonment

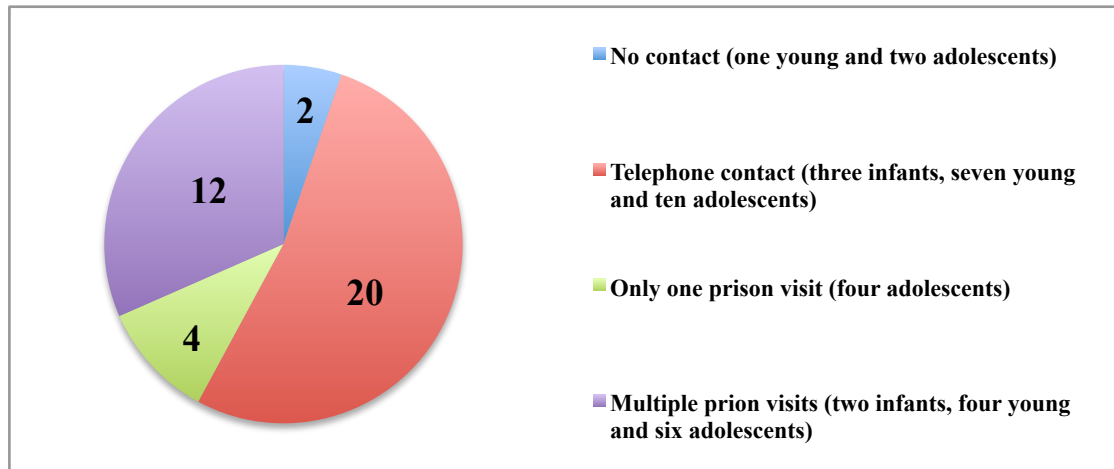


### Appendix 9: 23 Dependent Children's Knowledge of Separation





#### Appendix 10: 23 Dependent Children's Contact with Mothers During the Incarceration



#### Appendix 11: 23 Dependent Children's Period of Separation From Their Mother

